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REPORT OF THE ACTIVITIES

OF THE

COMMITTEE ON ARMED SERVICES

FOR THE

NINETY-NINTH CONGRESS

DECEMBER 31, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

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COMMITTEE ON ARMED SERVICES

Ninety-Ninth Congress, Second Session

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G. KIM WINCUP, *Staff Director*

LETTER OF TRANSMITTAL

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 31, 1986.

Hon. BENJAMIN GUTHRIE,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MR. GUTHRIE: Pursuant to House XI 1. (d), there is transmitted herewith the report of activities of the Committee on Armed Services for the 99th Congress.

Sincerely,

LES ASPIN, *Chairman.*

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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-1032

REPORT OF THE ACTIVITIES OF THE COMMITTEE ON ARMED SERVICES FOR THE 99TH CONGRESS

DECEMBER 31, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ASPIN, from the Committee on Armed Services, submitted the following

REPORT

POWERS AND DUTIES, COMMITTEE ON ARMED SERVICES, 99TH CONGRESS

BACKGROUND

The House Committee on Armed Services, a standing committee of Congress, was established on January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), by merging the Committees on Military Affairs and Naval Affairs. The Committees on Military Affairs and Naval Affairs were established in 1822. In 1885, jurisdiction over military and naval appropriations was taken from the Committee on Appropriations and given to the Committees on Military Affairs and Naval Affairs, respectively. This policy continued until July 1, 1920, when jurisdiction over all appropriations was again placed in the Committee on Appropriations.

In the 93d Congress, following a study by the House Select Committee on Committees, the House passed H. Res. 988, the Committee Reform Amendments of 1974, to be effective January 3, 1975. As a result of those amendments, the jurisdictional areas of the Committee on Armed Services remained essentially unchanged. However, oversight functions were amended to require each standing committee to review and study on a continuing basis all matters within the jurisdiction of the committee. Also, the Committee on Armed Services was to review and study on a continuing basis all laws, programs, and government activities dealing with or in-

volving international arms control and disarmament and the education of military dependents in schools.

The rules changes adopted by the House (H. Res. 5) on January 4, 1977, placed new responsibilities in the atomic energy field in the Armed Services Committee. Those responsibilities involved the national security aspects of atomic energy theretofore under the jurisdiction of the Joint Committee on Atomic Energy. Public Law 95-110, effective September 20, 1977, abolished the Joint Committee on Atomic Energy.

With the adoption of H. Res. 658 on July 14, 1977, which established the House Permanent Select Committee on Intelligence, the jurisdiction of the Armed Services Committee over intelligence matters was diminished.

That resolution gave the Permanent Select Committee on Intelligence oversight responsibilities for intelligence and intelligence-related activities and programs of the U.S. Government. Specifically, the Permanent Select Committee on Intelligence has exclusive legislative jurisdiction regarding the Central Intelligence Agency and the Director of Central Intelligence, including authorizations. Also, legislative jurisdiction over all intelligence and intelligence-related activities and programs was vested in the select committee except that other committees with a jurisdictional interest may request consideration of any such matters. Accordingly, as a matter of practice, the Armed Services Committee shares jurisdiction over the authorization process involving intelligence-related activities.

The committee continues to have shared cognizance over general intelligence activities not within the exclusive jurisdiction of the Permanent Select Committee on Intelligence and continues to have access to intelligence information.

Constitutional Powers and Duties

The powers and duties of Congress in relation to national defense matters stem from Article I, section 8, of the Constitution, which provides, among other things, that the Congress shall have power to—

> Raise and support armies;
>
> Provide and maintain a navy;
>
> Make rules for the government and regulation of the land and naval forces;
>
> Provide for calling forth the militia;
>
> Provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States;
>
> Exercise exclusive legislation * * * over all places purchased * * * for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and
>
> Make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

House Rules on Jurisdiction

Rule X of the Rules of the House of Representatives established the standing committees of the House and their jurisdiction. Under that rule, all bills, resolutions, and other matters relating to the

subjects within the jurisdiction of any standing committee shall be referred to such committee. Rule X.1.(c) established the jurisdiction of the Committee on Armed Services as follows:

(1) Common defense generally.

(2) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

(3) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

(4) Conservation, development, and use of naval petroleum and oil shale reserves.

(5) Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces.

(6) Scientific research and development in support of the armed services.

(7) Selective service.

(8) Size and composition of the Army, Navy, and Air Force.

(9) Soldiers' and sailors' homes.

(10) Strategic and critical materials necessary for the common defense.

(11) Military applications of nuclear energy.

In addition to its legislative jurisdiction and general oversight function, the committee has special oversight functions with respect to international arms control and disarmament and military dependents' education.

Requirement for Annual Authorization

The role of the committee in defense policy-making was increased significantly in 1959 by the enactment of Public Law 86-149 (section 412(b)) which required annual congressional authorization of appropriations for the procurement of aircraft, missiles, and naval vessels. This law has been amended and expanded as follows:

In 1962 (Public Law 87-436) to require similar authorization for research, development, test, and evaluation associated with aircraft, missiles, and naval vessels.

In 1963 (Public Law 88-175) to require authorization of appropriations for all research, development, test, and evaluation carried out by the Department of Defense.

In 1965 (Public Law 89-37) to require authorization of appropriations for procurement of tracked combat vehicles.

In 1967 (Public Law 90-168) to require annual authorization of the personnel strengths of each of the Selected Reserves of the Reserve components as a prior condition for the appropriation of funds for the pay and allowances for the Reserve components.

In 1969 (Public Law 91-121) to require authorization of appropriations for procurement of other weapons for the use of any armed force of the United States (essentially heavy, medium, and light artillery; antiaircraft weapons, rifles, machineguns; mortars; small arms weapons, and any crew-fired piece using fixed ammunition).

In 1970 (Public Law 91-441) to require authorization of appropriations for procurement of torpedoes and related support equipment; and to require authorization by Congress of aver-

age annual active-duty personnel strength for each component of the Armed Forces (subsequently amended by Public Law 92-436 to substitute an annual "end strength for active-duty personnel" requirement in lieu of an "average annual active-duty personnel strength").

In 1972 (Public Law 92-436) to require authorization of the average military training student loads for each component of the Armed Forces. Such authorization is not required for unit recruit training student loads but is required for student loads for the following individual training categories: recruit and specialized training, flight training, professional training in military and civilian institutions and officer acquisition training.

In 1973 (Public Law 93-155) to require authorization for the end strength for civilian employees for each component of the Department of Defense for each year, commencing with the fiscal year which began on July 1, 1974. Section 803 of Public Law 93-155 also provided for the codification of the above requirements for annual authorization of appropriations for the Armed Forces as sections 138 and 139 of chapter 4, title 10, United States Code. Thus permanent law requires that authorization must precede appropriations for, or obligations or expenditures of funds for, the Armed Forces.

In 1975 (Public Law 94-106) to require authorization of military construction. Although most Department of Defense construction programs had already been subject to annual authorizations, this amendment to the basic statute brought them even more specifically under authorization.

In 1976 (Public Law 94-361) to require authorization of appropriations for civil defense programs.

In 1980 (Public Law 96-342) to require annual authorization of appropriations for operation and maintenance in the Department of Defense.

In 1981 (Public Law 97-86) to require annual authorization of appropriations for ammunition and for other procurement.

In 1986 (Public Law 99-433) to recodify section 138 of title 10, United States Code (relating to annual authorization of appropriations for the Armed Forces), as sections 114-116 of title 10, United States Code.

In 1986 (Public Law 99-661) to require authorization of the end strength (rather than the average strength) of the Selected Reserve of each reserve component of the Armed Forces.

The jurisdiction of the committee was also increased through the redistribution of the jurisdiction formerly exercised by the Joint Committee on Atomic Energy with respect to the national security functions of the Department of Energy.

In 1974 Public Law 93-438 subjected authorizations for the Energy Research and Development Administration to annual authorization.

In 1977 Public Law 95-91 created the Department of Energy, abolished the Energy Research and Development Administration and transferred its functions to the Department of Energy, and subjected appropriations to carry out the provisions of the law to annual authorization.

In 1977 Public Law 95–110 abolished the Joint Committee on Atomic Energy.

Investigative Authority and Legislative Oversight

H. Res. 988, 93rd Congress, the Committee Reform Amendments of 1974, amended rule XI, clause 1(b), of the Rules of the House of Representatives, to provide general authority for each committee to investigate matters within its jurisdiction. That amendment established a permanent investigative authority and relieves the committee of the former requirement of obtaining a renewal of the investigative authority by a House resolution at the beginning of each Congress. H. Res. 988 also amended rule X of the Rules of the House of Representatives by requiring, as previously indicated, that the standing committees are to conduct legislative oversight in the area of their respective jurisdiction, and by establishing specific oversight functions for the Committee on Armed Services.

H. Res. 7, approved by the House on January 3, 1985, H. Res. 100, approved by the House on March 26, 1985, and H. Res. 368, approved by the House on February 5, 1986, provided funds for oversight responsibilities to be conducted in the 99th Congress pursuant to rule X, clause 2(b)(1), of the Rules of the House of Representatives (relating to general oversight responsibilities), clause 3(a) (relating to special oversight functions), and rule XI, clause 1(b) (relating to investigations and studies).

COMMITTEE RULES

The committee held its organizational meeting on January 31, 1985, and adopted the following rules governing procedure and rules for investigative hearings conducted by subcommittees.

RULES GOVERNING PROCEDURE

RULE 1. GENERAL

The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman, or by written request of members of the committee pursuant to House rule XI, clause 2(b).

(b) A Tuesday meeting of the committee may be dispensed with by the chairman, but such action may be reversed by a written request of a majority of the members.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the committee on all matters referred to it. Insofar as possible, meetings of the committee and its subcommittees shall not conflict. Subcommittee chairmen shall set meeting dates after consultation with the chairman and subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee on Armed Services of the House of Representatives shall be organized to consist of the following standing subcommittees.

The Military Personnel and Compensation Subcommittee which shall have legislative jurisdiction over authorized strengths; active-duty and reserve training; recruiting; Reserve Officers' Training Corps; Selective Service; military justice; enlistments and separations; awards; academies; human relations; medical care; pay and allowances; promotion; retirement; and related legislative oversight.

The Research and Development Subcommittee which shall have legislative jurisdiction over annual authorization for research and development; airlift; and related oversight.

The Seapower and Strategic and Critical Materials Subcommittee which shall have legislative jurisdiction over procurement and construction of naval vessels; torpedoes and other weapons portion of Navy weapons; ship-related items in Navy other procurement; sealift; antisubmarine warfare; disposal of naval vessels; strategic and critical materials necessary for the national defense; and related legislative oversight.

The Procurement and Military Nuclear Systems Subcommittee which shall have legislative jurisdiction over the annual authorization for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition and those portions of the procurement category, other procurement, not assigned to the Seapower and Strategic and Critical Materials Subcommittee; military application of nuclear energy, including research and development related thereto; intelligence matters related to national security; and related legislative oversight. The subcommittee shall also have oversight responsibilities with regard to international arms control and disarmament.

The Investigations Subcommittee which shall have legislative jurisdiction over Defense Acquisition Regulations and related procurement matters; organization of the Department of Defense, including proposed reorganizations; naval petroleum reserves; and related legislative oversight; and investigative authority in relation to the committee's general oversight responsibilities.

The Readiness Subcommittee which shall have legislative jurisdiction over the annual authorization for operation and maintenance; the current readiness and preparedness requirements of the defense establishment, including the supporting defense industrial base; commissaries and exchanges, clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight.

The Military Installations and Facilities Subcommittee which shall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense; and related legislative oversight.

RULE 5. PRECEDENCE

Chairmen of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

RULE 6. PANELS OF THE FULL COMMITTEE AND SUBCOMMITTEES

(a) The chairman may designate a panel of the committee drawn from members of more than one subcommittee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to full committee. Any such panel shall not continue in existence for more than six months.

(b) The chairman of a standing subcommittee many designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(c) No panels so appointed shall have legislative jurisdiction.

RULE 7. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The chairman shall refer legislation and other matters to all subcommittee of appropriate jurisdiction within two weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(b) Bills shall be taken up for hearing only when called by the chairman of the full committee or subcommittee, or by a majority vote of a quorum of the full committee or a subcommittee.

(c) The chairman of the full committee, with approval of a majority of the members voting, a majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(d) Reports and recommendations of a subcommittee shall not be considered by the full committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members, except that this rule may be waived by a majority vote of a quorum of the committee.

RULE 8. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

The full committee and each subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to be public. This paragraph does not apply to open committee hearings which are provided for by para-

graph (b) of this rule, or any meeting that relates solely to internal budget or personnel matters.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the committee or subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be by a majority of those present, there being in attendance no less than two members of the committee or subcommittee. However, if the committee or subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the committee or subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this rule for closing hearings to the public: *Provided, however,* That the full committee or subcommittee may by the same procedure vote to close up to five additional consecutive days of hearings.

(c) Notwithstanding the foregoing, and with the approval of the committee chairman, each member of the committee may designate by letter to the chairman, a member of his or her personal staff with Top Secret security clearance to attend hearings of the committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(b) above for national security purposes for the taking of testimony: *Provided,* That such staff member's attendance at such hearings is subject to the approval of the committee or subcommittee as dictated by national security requirements at the time: *Provided further,* That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and *Provided further,* That the attainment of any security clearances involved are the responsibility of individual members.

RULE 10. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)–(d) are specifically incorporated herein by reference.

(b) The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise: *Provided, however,* Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(c) In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of House of Representatives, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee chairman in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or its subcommittees or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to

raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee on Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee or its subcommittees.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly an unobstructive manner.

(14) With the exception of devices properly used by official reporters and by accredited media and broadcast personnel as covered in these rules, no recording or camera type devices may be operated or otherwise used during committee or subcommittee hearings.

RULE 11. QUORUM

A majority of the full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpose of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum for taking any other action shall be not less than one-third of the members of the full committee or subcommittee, unless otherwise indicated in the committee rules.

RULE 12. THE FIVE-MINUTE RULE

(a) The time any one member may address the committee or subcommittee on any bill, motion or other matter under consideration shall not exceed five minutes and then only when the member has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution.

(b) Members present at a meeting of the committee or subcommittee when a meeting is originally convened will be recognized by

the chairman in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

RULE 13. SUBPOENA AUTHORITY

The full committee, and all subcommittees, may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpoena may be authorized and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

RULE 14. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the committee or a subcommittee shall be submitted to the committee at least 48 hours in advance of presentation and shall be distributed to all members of the committee or subcommittee at least 24 hours in advance of delivery. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the committee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee offices. The requirement of this rule may be waived upon a majority of the full committee or any subcommittee, a quorum being present.

(b) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 15. ADMINISTERING OATHS TO WITNESSES

The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

RULE 16. QUESTIONING OF WITNESSES

(a) When a witness is before the committee or subcommittee, members of the committee or subcommittee may put questions to

the witness only when they have been recognized by the chairman for that purpose.

(b) Members of the committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

(c) Questions put to witnesses before the committee or subcommittee shall be pertinent to the bill or other subject matter that may be before the committee or subcommittee for consideration.

RULE 17. VOTING AND ROLLCALLS

(a) Except as otherwise provided in these rules, voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) Voting on reporting annual authorization bills shall be by rollcall vote.

(c) A rollcall of the members may be had upon the request of five or more members present, or in the case of subcommittees, on the request of one-fifth of a majority.

RULE 18. PROXY VOTE

A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in full committee or subcommittees. All proxies must be filed with the staff director and be available for inspection at any time.

RULE 19. PRIVATE BILLS

No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

RULE 20. SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

If, at the time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more

members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

RULE 21. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 22. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

(a) The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(b) In the event of such a rollcall vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, that circumstance shall be so recorded in the rollcall record, upon timely notification to the chairman from that member.

RULE 23. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the full committee shall, with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 24. COMMITTEE STAFFING

The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Repre-

sentatives, including, among other things, the provisions of rule XI, clause 5(d).

Rules for Investigative Hearings Conducted by Subcommittees

I. Power to Sit and Act; Subpoena Power

1. For the purpose of carrying out any of its functions and duties under House rules X and XI, a subcommittee is authorized (subject to subparagraph 2.A. of this paragraph):

A. to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

B. to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

2. A. A subpoena may be authorized and issued by a subcommittee under subparagraph 1.B. in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpoenas shall be signed only by the chairman of the committee, or by any member designated by the committee.

B. Compliance with any subpoena issued by a subcommittee under subparagraph 1.B. may be enforced only as authorized or directed by the House. (House rule XI, clause 2(m); committee rule 13.)

II. Quorum

Each subcommittee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two. (House rule XI, clause 2(h); committee rule 11.)

III. Notice of Hearings

Each subcommittee shall make public announcement of the date, place, and subject matter of any subcommittee hearing at least one week before the commencement of the hearing. However, if the subcommittee determines there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems. (House rule XI, clause 2(g)(3); committee rule 8.)

IV. Meetings and Hearings

1. Each subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public:

Provided, however, That no person other than members of the subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open subcommittee hearings which are provided for by paragraph 2. of this rule, or any meeting that relates solely to internal budget or personnel matters. (House rule XI, clause 2(g)(1); committee rule 9(a).)

2. Each hearing conducted by a subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the subcommittee, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, or would tend to defame, degrade, or incriminate any person. If the decision is to close for national security reasons, the vote must be by rollcall vote and in open session, there being a majority of the subcommittee present. Otherwise, if the decision is to close because the testimony may tend to defame, degrade, or incriminate any person, the vote may be a majority of those present, there being in attendance no less then two members of the subcommittee. However, if the subcommittee elects to receive such testimony in open session, it may do so only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. No Member may be excluded from nonparticipatory attendance at any hearing of any subcommittee, unless the House of Representatives shall by majority vote authorize a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the subcommittee may by the same procedure vote to close up to five additional consecutive days of hearings. (House rule XI, clause 2(g)(2); committee rule 9(b).)

V. PREPARED STATEMENTS

Each witness who is to appear before a subcommittee shall, insofar as is practicable, file with the subcommittee (in advance of his or her appearance) a written statement of the proposed testimony. Such witness will limit his or her oral presentation to a brief summary of the statement.

Any prepared statement shall be submitted to the subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the subcommittee at least 24 hours in advance of delivery.

If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee rooms to all members of the subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee rooms. The requirement of this rule may be waived upon a majority vote of the subcommittee, a quorum being present. (House rule XI, clause 2(g)(4); committee rule 14.)

VI. OPENING STATEMENT

The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation. (House rule XI, clause 2(k)(1).)

VII. INFORMATION FOR WITNESSES

A copy of the committee rules and of clause 2(k) of House rule XI shall be made available to each witness.[1] (House rule XI, clause 2(k)(2).)

VIII. RIGHT TO COUNSEL

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. (House rule XI, clause 2(k)(3).)

IX. FORM OF OATH

Witnesses, when sworn, shall subscribe to the following oath:

> You do solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

X. BREACHES OF ORDER

The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt. (House rule XI, clause 2(k)(4).)

XI. DEFAMATORY TESTIMONY OR EVIDENCE

Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person.

(a) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of committee rule 9(b), if by a majority of those present, there being in attendance no less than two members of the subcommittee, the subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

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[1]The complete text of clause 2(k), House Rule XI, is printed herein in subcommittee rules VI, VII, VIII, X, XI, XIII, XIV, and XV.

(b) the subcommittee shall proceed to receive such testimony in open session only if a majority of the members of the subcommittee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the subcommittee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses. (House rule XI, clause 2(k)(5).)

XII. PHOTOGRAPHING OF WITNESSES

No witness served with a subpoena by the committee or a subcommittee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. (House rule XI, clause 2(f)(2); committee rule 10.)

XIII. SUBPOENA OF ADDITIONAL WITNESSES

Except as provided in investigative hearing rule XI above, the chairman shall receive and the subcommittee shall dispose of requests to subpoena additional witnesses. (House rule XI, clause 2(k)(6).)

XIV. TESTIMONY TAKEN IN EXECUTIVE SESSION

No evidence or testimony taken in executive session may be released or used in public session without the consent of the subcommittee. (House rule XI, clause 2(k)(7).)

XV. SWORN STATEMENT

In the discretion of the subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. (House rule XI, clause 2(k)(8).)

XVI. TRANSCRIPT OF TESTIMONY

A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the subcommittee. (House rule XI, clause 2(k)(9).)

XVII. GENERAL

The rules of the House are the rules of its committees and subcommittees as far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. (House rule XI, clause 1(a)(1).)

(Committee Print 1; H.A.S.C. 99-1)

COMPOSITION OF THE COMMITTEE ON ARMED SERVICES, 99TH CONGRESS

Pursuant to H. Res. 27 (adopted January 7, 1985), H. Res. 34 and H. Res. 35 (adopted January 30, 1985), H. Res. 162 (adopted May 8, 1985), H. Res. 565 (adopted September 26, 1986), and H. Res. 584 and H. Res. 585 (adopted October 10, 1986), the following Members were elected to the Committee on Armed Services in the 99th Congress:

LES ASPIN, Wisconsin, *Chairman*

MELVIN PRICE, Illinois, *Chairman Emeritus*
CHARLES E. BENNETT, Florida
SAMUEL S. STRATTON, New York
BILL NICHOLS, Alabama
DAN DANIEL, Virginia
G.V. (SONNY) MONTGOMERY, Mississippi
RONALD V. DELLUMS, California
PATRICIA SCHROEDER, Colorado
BEVERLY B. BYRON, Maryland
NICHOLAS MAVROULES, Massachusetts
EARL HUTTO, Florida
IKE SKELTON, Missouri
MARVIN LEATH, Texas
DAVE McCURDY, Oklahoma
THOMAS M. FOGLIETTA, Pennsylvania
ROY DYSON, Maryland
DENNIS M. HERTEL, Michigan
MARILYN LLOYD, Tennessee
NORMAN SISISKY, Virginia
RICHARD RAY, Georgia
JOHN M. SPRATT, JR., South Carolina
FRANK McCLOSKEY, Indiana [2]
SOLOMON P. ORTIZ, Texas
GEORGE (BUDDY) DARDEN, Georgia
TOMMY F. ROBINSON, Arkansas
ALBERT G. BUSTAMANTE, Texas
NEIL ABERCROMBIE, Hawaii [3]
WILLIAM L. DICKINSON, Alabama
G. WILLIAM WHITEHURST, Virginia
FLOYD SPENCE, South Carolina
MARJORIE S. HOLT, Maryland
ELWOOD H. (BUD) HILLIS, Indiana [4]
ROBERT E. BADHAM, California
BOB STUMP, Arizona
JIM COURTER, New Jersey
LARRY J. HOPKINS, Kentucky
ROBERT W. DAVIS, Michigan
KEN KRAMER, Colorado
DUNCAN L. HUNTER, California
THOMAS F. HARTNETT, South Carolina
DAVID O'B. MARTIN, New York
JOHN R. KASICH, Ohio
WILLIAM CARNEY, New York
LYNN MARTIN, Illinois
HERBERT H. BATEMAN, Virginia
MAC SWEENEY, Texas
BEN BLAZ, Guam
JAMES V. HANSEN, Utah [5]

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[2] Seating delayed by recount; elected to committee May 8, 1985.
[3] Elected to committee October 10, 1986.
[4] Resigned from committee September 26, 1986; reelected to committee October 10, 1986.
[5] Elected to committee September 26, 1986.

SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES, 99TH CONGRESS

The following standing subcommittees were established at the committee's organizational meeting on January 31, 1985:

MILITARY PERSONNEL AND COMPENSATION

Mr. ASPIN, *Chairman*

Mr. MONTGOMERY
Mrs. SCHROEDER
Mr. SKELTON
Mr. SISISKY
Mr. ROBINSON
Mr. BUSTAMANTE
Mr. BENNETT
Mr. HILLIS
Mrs. HOLT
Mr. BATEMAN
Mr. SWEENEY
Mr. HUNTER

RESEARCH AND DEVELOPMENT

Mr. PRICE, *Chairman*

Mr. McCURDY
Mr. HERTEL
Mr. McCLOSKEY [2]
Mr. DARDEN
Mr. BENNETT
Mr. NICHOLS
Mr. DELLUMS
Mr. DICKINSON
Mr. COURTER
Mr. BADHAM
Mr. DAVIS
Mr. STUMP

SEAPOWER AND STRATEGIC AND CRITICAL MATERIALS

Mr. BENNETT, *Chairman*

Mr. FOGLIETTA
Mr. DYSON
Mrs. LLOYD
Mr. SISISKY
Mr. ORTIZ
Mr. BUSTAMANTE
Mr. PRICE
Mr. SPENCE
Mr. HARTNETT
Mr. HUNTER
Mr. CARNEY
Mr. BATEMAN
Mr. BLAZ

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[2] Seating delayed by recount; elected to committee May 8, 1985.

PROCUREMENT AND MILITARY NUCLEAR SYSTEMS

Mr. STRATTON, *Chairman*

Mrs. BYRON
Mr. MAVROULES
Mr. SKELTON
Mr. LEATH
Mr. DYSON
Mr. LLOYD
Mr. RAY
Mr. SPRATT
Mr. BUSTAMANTE

Mrs. HOLT
Mr. BADHAM
Mr. COURTER
Mr. KRAMER
Mr. DAVIS
Mr. HOPKINS
Mr. HUNTER

INVESTIGATIONS

Mr. NICHOLS, *Chairman*

Mrs. BYRON
Mr. MAVROULES
Mr. McCURDY
Mr. SPRATT
Mr. McCLOSKEY [2]
Mr. ASPIN
Mr. STRATTON

Mr. HOPKINS
Mr. STUMP
Mr. KASICH
Mrs. MARTIN
Mr. CARNEY

READINESS

Mr. DANIEL, *Chairman*

Mr. HUTTO
Mr. LEATH
Mr. FOGLIETTA
Mr. HERTEL
Mr. RAY
Mr. DARDEN
Mr. NICHOLS

Mr. WHITEHURST
Mr. SPENCE
Mr. KASICH
Mr. MARTIN
Mr. SWEENEY

MILITARY INSTALLATIONS AND FACILITIES

Mr. DELLUMS, *Chairman*

Mr. MONTGOMERY
Mr. HUTTO
Mr. LEATH
Mr. HERTEL
Mr. SISISKY
Mr. RAY
Mr. ORTIZ
Mr. ROBINSON
Mr. ABERCROMBIE [6]

Mr. KRAMER
Mr. WHITEHURST
Mr. DICKINSON
Mr. HARTNETT
Mr. MARTIN
Mrs. MARTIN
Mr. BLAZ

[2] Seating delayed by recount; elected to committee May 8, 1985.
[6] Appointed to subcommittee October 10, 1986.

SUBCOMMITTEE PANELS

The following subcommittee panels were appointed during the 99th Congress:

MORALE, WELFARE AND RECREATION PANEL OF READINESS SUBCOMMITTEE

(Appointed February 27, 1985)

Mr. DANIEL, *Chairman*

Mr. NICHOLS
Mr. LEATH [7]
Mr. WHITEHURST
Mr. MARTIN [7]

ARMS CONTROL AND DISARMAMENT PANEL OF PROCUREMENT AND MILITARY NUCLEAR SYSTEMS SUBCOMMITTEE

(Appointed March 26, 1985)

Mrs. BYRON, *Chairwoman*

Mr. MAVROULES
Mr. RAY
Mr. SPRATT
Mr. STRATTON
Mrs. HOLT
Mr. BADHAM
Mr. COURTER

SPECIAL OPERATIONS PANEL OF READINESS SUBCOMMITTEE

(Appointed July 30, 1985)

Mr. HUTTO, *Chairman*

Mr. FOGLIETTA
Mr. HERTEL [8]
Mr. RAY
Mr. DARDEN
Mr. SPENCE
Mr. KASICH [8]
Mr. MARTIN
Mr. SWEENEY

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[7] Appointed to panel May 21, 1985.
[8] Appointed to panel July 31, 1985.

FULL COMMITTEE PANELS

The following full committee panels were appointed during the 99th Congress:

DEFENSE POLICY PANEL

(Appointed February 22, 1985; reappointed September 27, 1985)

Mr. ASPIN, *Chairman*

Mr. NICHOLS
Mr. MAVROULES
Mr. SKELTON
Mr. McCURDY
Mr. RAY
Mr. SPRATT
Mr. McCLOSKEY [2]
Mr. DICKINSON
Mr. HILLIS
Mr. COURTER
Mr. HUNTER
Mr. SWEENEY

GRACE COMMISSION PANEL

(Appointed March 11, 1985; reappointed September 25, 1985)

Mrs. SCHROEDER, *Chairwoman*

Mr. LEATH
Mr. FOGLIETTA
Mr. HERTEL
Mr. SISISKY
Mr. BUSTAMANTE
Mr. DAVIS
Mr. KASICH
Mrs. MARTIN
Mr. BATEMAN

ENVIRONMENTAL RESTORATION PANEL

(Appointed July 24, 1985; reappointed January 31, 1986)

Mr. McCURDY, *Chairman*

Mr. HERTEL
Mr. SISISKY
Mr. RAY
Mr. DARDEN
Mr. HOPKINS
Mr. KRAMER
Mr. MARTIN

ACQUISITION AND PROCUREMENT POLICY PANEL

(Appointed January 28, 1986; reappointed August 1, 1986)

Mr. MAVROULES, *Chairman*

Mr. ASPIN
Mr. BENNETT
Mr. McCURDY
Mr. HERTEL
Mr. SISISKY
Mr. SPRATT
Mr. COURTER
Mr. DICKINSON
Mr. DAVIS [9]
Mr. KASICH
Mr. BATEMAN

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[2] Seating delayed by recount; elected to committee May 8, 1985.
[9] Appointed to panel February 7, 1986.

COMMITTEE STAFF

By committee resolution adopted at the organizational meeting on January 31, 1985, by authority of the chairman, the following persons were appointed to the staff of the committee during the 99th Congress:

PROFESSIONAL STAFF

G. KIM WINCUP, *Staff Director*
WILLIAM H. HOGAN, Jr., *General Counsel*
JOHN F. LALLY, *Counsel*
ANTHONY R. BATTISTA, *Professional Staff Member*
MICHAEL A. WEST, *Professional Staff Member*
WILLIAM D. PRICE, *Professional Staff Member*
PAUL L. TSOMPANAS, *Professional Staff Member*
ADAM J. KLEIN, *Counsel* (resigned June 30, 1986)
PETER C. SCRIVNER, *Professional Staff Member*
EDWARD J. BAUSER, *Professional Staff Member*
ROBERT M. EMMERICHS, *Professional Staff Member*
NANCY JONES, *Executive Assistant*
WILLISTON B. COFER, Jr., *Professional Staff Member*
ALMA B. MOORE, *Professional Staff Member*
JAMES C. WATERS, *Professional Staff Member*
RICHARD T. LUNGER, Jr., *Professional Staff Member*
KAREN S. HEATH, *Professional Staff Member*
ALAN C. CHASE, *Professional Staff Member* (resigned December 1, 1985)
ROBERT E. SCHAFER, *Professional Staff Member*
ARCHIE D. BARRETT, *Professional Staff Member*
EDWARD J. HOLTON, *Professional Staff Member*
CARL T. BAYER, *Professional Staff Member*
WARREN L. NELSON, *Professional Staff Member*
MARILYN A. ELROD, *Subcommittee Professional Staff Member*
DEBORAH ROCHE LEE, *Professional Staff Member*
COLLEEN A. PRESTON, *Counsel*
WILLIAM T. FLESHMAN, *Professional Staff Member*
PETER M. STEFFES, *Professional Staff Member*
JOHN V. SULLIVAN, *Assistant General Counsel*
LAWRENCE J. CAVAIOLA, *Professional Staff Member*
DOUGLAS H. NECESSARY, *Professional Staff Member*
JOHN E. MANSFIELD, *Professional Staff Member* (resigned September 13, 1986)
NORA SLATKIN, *Professional Staff Member*
RITA D. ARGENTA, *Financial Assistant*
ROBERT J. EASTMAN, Jr., *Professional Staff Member*
RICHARD E. CLARK, *Counsel* (appointed February 1, 1985)
JOSEPH CIRINCIONE, *Subcommittee Professional Staff Member* (appointed February 26, 1985)
LOU C. FINCH, *Professional Staff Member* (appointed April 1, 1985)
RUSSELL MURRAY II, *Special Counselor* (appointed April 8, 1985)
JAY B. WINIK, *Professional Staff Member* (appointed September 18, 1985)
RUDY F. DE LEON, *Professional Staff Member* (appointed December 6, 1985)
STEPHEN K. CONVER, *Professional Staff Member* (appointed December 8, 1985)
ANN R. WILLETT, *Executive Assistant to the Staff Director,* (appointed January 1, 1987)
GEORGIA C. OSTERMAN, *Special Assistant for Legislative Management* (appointed January 1, 1987
L. DENISE HOLLIDGE, *Special Assistant for Management Information Systems* (appointed January 1, 1987)

Clerical Staff

Ann R. Willett, *Senior Staff Assistant* (appointed to Professional Staff January 1, 1987)
Joyce C. Bova, *Staff Assistant*
Georgia C. Osterman, *Senior Staff Assistant* (appointed to Professional Staff January 1, 1987)
Brenda J. Jones, *Staff Assistant*
Kathleen A. Lipovac, *Staff Assistant*
Sharon A. Knott, *Staff Assistant*
Andrea M. Doty, *Staff Assistant* (resigned February 10, 1986)
L. Ruth Ludeman, *Staff Assistant*
Diane Craun, *Staff Assistant*
Pamela Gleason, *Staff Assistant*
Vera L. Oswald, *Staff Assistant* (resigned June 11, 1985)
Betty B. Gray, *Senior Staff Assistant*
Elizabeth A. Spina, *Staff Assistant* (resigned June 11, 1985)
Margaret M. Cosseboom, *Staff Assistant*
L. Denise Hollidge, *Staff Assistant* (resigned November 14, 1986; appointed December 10, 1986; appointed to Professional Staff January 1, 1987)
Lisa A. Dudley, *Staff Assistant* (resigned February 15, 1986)
Sarah L. Walters, *Receptionist* (resigned February 15, 1986)
Deborah J. Merrill, *Staff Assistant* (appointed February 27, 1985)
Janie M. Mayhew, *Secretary* (appointed April 22, 1985; resigned March 14, 1986)
Sandra L. Cariffe, *Secretary* (appointed June 14, 1985; resigned February 15, 1986)
Leah M. Chapla, *Staff Assistant* (appointed October 7, 1985)
Deborah A. Klopfer, *Secretary* (appointed December 9, 1985; resigned July 27, 1986)
Frances L. Collins, *Secretary* (appointed February 18, 1986; resigned March 14, 1986)
La Verne Dixon, *Receptionist* (appointed March 6, 1986; resigned April 4, 1986)
Marta L. Mitchell, *Secretary* (appointed April 1, 1986)
Brian D. McKeon, *Receptionist* (appointed April 14, 1986)
Maureen E. Thibodeau, *Secretary* (appointed May 19, 1986)
Ruth F. Alahydoian, *Secretary* (appointed August 21, 1986)
Issiah Hardy, *Clerical Staff Assistant*
Frank A. Barnes, *Clerical Staff Assistant*

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COMMITTEE MEETINGS

A total of 419 meetings and briefings were held by the Committee on Armed Services, its subcommittees and panels during the 99th Congress. A breakdown of the meetings and briefings follows:

Full committee	49
Acquisition and Procurement Policy Panel	4
Defense Policy Panel	28
Environmental Restoration Panel	3
Grace Commission Panel	3
Subcommittees and subcommittee panels:	
Investigations Subcommittee	65
Military Installations and Facilities Subcommittee	49
Military Personnel and Compensation Subcommittee	8
Procurement and Military Nuclear Systems Subcommittee	46
Arms Control and Disarmament Panel	21
Readiness Subcommittee	37
Morale, Welfare and Recreation Panel	5
Special Operations Panel	10
Research and Development Subcommittee	50
Seapower and Strategic and Critical Materials Subcommittee	41

LEGISLATIVE ACTIONS

LEGISLATION ENACTED INTO LAW

PUBLIC LAW 99-17 (S.J. RES. 71)

To approve the obligation of fiscal year 1985 funds for operational MX missiles subject to enactment of a second joint resolution.

Public Law 99-17 approves the obligation of funds made available for fiscal year 1985 by Public Law 98-473 (Continuing Appropriations, 1985) for the procurement of 21 operational MX missiles, subject to the enactment of a second joint resolution, in accordance with the procedure set forth in Public Law 98-525 (Department of Defense Authorization, 1985). Specifically, the law makes available for obligation $1.5 billion (previously approved for fiscal year 1985 subject to the subsequent adoption of two joint resolutions). This amount permits the procurement of 21 additional operational missiles.

The committee reported H.J. Res. 180 on March 20, 1985, and its Senate companion, S.J. Res. 71, was considered by the House on March 25 and 26, 1985. S.J. Res. 71 was approved by the Senate on March 19 and approved by the House on March 26, 1985.

(H. Rept. 99-23; 99-43) Date of enactment: April 4, 1985.

PUBLIC LAW 99-85 (S.J. RES. 108)

To authorize the Secretary of Defense to provide to the Soviet Union on a reimbursable basis, equipment and services necessary for an improved United States/Soviet direct communications link for crisis control.

Public Law 99-85 authorizes the Secretary of Defense to provide the Soviet Union, in accordance with a U.S.-Soviet exchange of notes, such equipment and services as may be necessary to upgrade or maintain the Soviet Union's part of the direct communications link agreed to in the June 20, 1963 memorandum of understanding between the United States and the Soviet Union. The equipment and services provided to the Soviet Union by the United States are to be reimbursed by the Soviet Union.

(H. Rept. 99-156; S. Rept. 99-49; H.A.S.C. 99-32) Date of enactment: August 8, 1985.

PUBLIC LAW 99-145 (S. 1160)

To authorize appropriations for fiscal year 1986 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Title I authorizes $99,147,400,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, other weapons,

ammunition, and other procurement for the Armed Forces and Defense agencies.

Title I also includes provisions that provide for the transfer of funds for procurement programs, authorize selected multiyear procurement programs, establish limitations and conditions for the obligation of funds for certain procurement programs, provide extension of certain NATO cooperative programs, initiate an Air Force fighter aircraft competition, require a program cost report on the Advanced Technology Bomber (ATB) and mandate a five year defense plan for special operations forces aircraft.

Title II contains provisions authorizing a total of $35,488,754,000 for research, development, test and evaluation (RDT&E) in fiscal year 1986 for the Department of Defense. Some of the initiatives contained in this title include: a provision prohibiting use of funds to test against an object in space the miniature homing vehicle anti-satellite warhead launched from the F-15 aircraft unless the President has made a determination and a certification to the Congress as provided in Section 8100 of the Department of Defense Appropriations Act, 1985; $724,500,000 for the Air Force for the RDT&E of the Small Mobile Intercontinental Ballistic Missile (ICBM) program; $101,382,000 for the Advanced Medium Range Air-to-Air Missile (AMRAAM) program but requiring the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a written certification on certain contractual aspects of this program prior to obligation of $54,382,000 of this authorization; a provision stating that $100,000,000 of Navy RDT&E authorization and $50,000,000 of Air Force RDT&E authorization may not be obligated or expended until the respective Secretaries submit to Congress a certification on certain contractual aspects of the High-Speed Anti-Radiation Missile (HARM) program; $2,750,000,000 for the Strategic Defense Initiative (SDI) program, $12,500,000 of which is available only for the medical application of free electron lasers and associated materials and physical science research; and $200,000,000 for NATO cooperative research and development projects. This section also provides $50 million from funds authorized for acquisition of NATO allies' military equipment that is comparable to U.S. military equipment to conduct side by side testing.

Title III authorizes $79,291,686,000 for operation and maintenance (O&M) activities and $1,659,600,000 to provide capital to meet inventory build and war reserve stock requirements for Department of Defense working capital funds in fiscal year 1986. Additional authorization is provided for civilian pay raises. fuel costs, and inflation adjustments, and for the operation, maintenance and repair of Army National Guard armories. Other initiatives contained in this title include: support to the Tenth International Pan American Games; a prohibition on the use of O&M funds to purchase items with a unit cost of $5,000 or more that were previously purchased through procurement appropriations; and expanded humanitarian aid to areas outside of Central America, including Afghan refugees.

Title IV provides personnel authorizations for the active forces, reserve forces and military training for fiscal year 1986.

The end strengths for active duty personnel for fiscal year 1986 were as follows:

Army, 780,800
Navy, 581,300
Marine Corps, 198,800
Air Force, 606,470

The Selected Reserve minimum average strengths were as follows:

Army National Guard of the United States, 440,025
Army Reserve, 290,639
Navy Reserve, 134,212
Marine Corps Reserve, 41,900
Air National Guard of the United States, 108,700
Air Force Reserve, 75,600
Coast Guard Reserve, 12,500

The end strengths for reserves on active duty in support of the reserve components are as follows:

Army National Guard, 23,731
Army Reserve, 12,157
Naval Reserve, 19,010
Marine Corps Reserve, 1,475
Air National Guard, 7,629
Air Force Reserve, 635

Title V contains a number of provisions relating to the management of Department of Defense civilian and military personnel including provisions that: waive for fiscal year 1986 the ceilings previously imposed on the end strength of civilian personnel; change the title of commodore to rear admiral-lower half; direct the Secretary of the Army to conduct a nationwide test of the Army's ability to mobilize the members of the Individual Ready Reserve; authorize the award of prisoner of war medals to service personnel who were taken prisoner and held captive on or after April 6, 1917 and who served honorably during captivity; and establish a capital espionage offense in the Uniform Code of Military Justice.

Title VI contains a number of provisions relating to compensation and personnel benefits including provisions that: provide a three percent increase in basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the uniformed services effective October 1, 1985; authorize an increase in the family separation allowance from $30 to $60 a month; increase the dislocation allowance from one month's to two months' basic allowance for quarters; revise the mileage allowance in lieu of transportation and dependent per diem systems; make reimbursement for temporary lodging expenses an entitlement; extend certain expiring bonus authorities; require all health care professionals that provide care in military medical facilities to possess current licenses; and direct the Secretary of Defense to submit a report on changes to the military retirement system that would meet the $2.9 billion reduction in the amount authorized to be spent for basic pay and retirement accrual.

Title VII contains a number of provisions designed to improve and simplify the Survivor Benefit Plan (SBP) as well as to correct certain inequities associated with the plan including provisions that: establish a two-tier benefit system and eliminate the social se-

curity offset; provide for spousal concurrence in the decisions: (1) not to elect SBP coverage; (2) to elect less than maximum coverage; or (3) to provide SBP coverage for a dependent child but not for a spouse; and require that former spouse coverage be provided in the spouse category rather than in the insurable interest category in the future.

Title VIII contains a number of provisions relating to military family policy and programs including provisions that: establish the Office of Family Policy in the Office of the Secretary of Defense; provide employment preference in hiring for certain Department of Defense jobs to the spouses of active duty service members; eliminate the surcharge for meals sold in military messes for the spouses and dependent children of enlisted members in pay grades E-1 through E-4; and increase the amortization period for house trailer and mobile home parking facilities from 15 to 25 years.

Title IX contains a number of provisions relating to reform of the defense procurement process which were based on hearings held and legislation developed by the Investigations Subcommittee. (See additional discussion of H.R. 2397 under "Legislation Reported But Not Enacted" and "Other Activities of Subcommittees".) Included are provisions establishing: limitations on costs that contractors may charge the government on defense contracts; legislation on progress payments made to defense contractors; penalties for submission of unallowable costs and false claims; a requirement that contractors who keep work measurement records to record bills of labor and materials in certain categories and to establish standard work measurements similar to those in commercial industry; and provisions for increased competition on major defense acquisition systems throughout full-scale engineering development and production. Several sections address personnel issues and include provisions relating to: prevention of Department of Defense employee conflicts of interest, training for Defense Department procurement personnel, rotation of contracting officers, and hiring of convicted felons. Also required are a number of studies and reports from the Secretary of Defense, the Comptroller General, and the Administrator of the Small Business Administration.

Title X contains provisions related to arms control. It expresses the sense of Congress that the United States should vigorously pursue concerns over Soviet compliance with the existing arms control agreements and that the United States should continue through December 1, 1986 to refrain from undercutting provisions of existing strategic offensive arms control agreements. It also directs the Secretary of Defense to: (1) submit a plan for establishing and operating during fiscal year 1986 a pilot program for the exchange of visits between high ranking officers and civilians of the Department of Defense and corresponding officials of the Soviet Union; and (2) participate in any interagency study on the atmospheric, climatic, environmental, and biological consequences of nuclear war.

Title XI contains provisions relating to the North Atlantic Treaty Organization (NATO). Included are provisions that relate to the permanent U.S. force manpower ceiling for NATO, authorize cooperative armaments projects and initiate cooperative research and development programs.

Title XII contains provisions related to the management of the Department of Defense. Some of the initiatives contained in this title include: the repeal of the scheduled transfer of the Department of Defense Dependents School to the Department of Education; authorization for the Secretary of Defense to implement a limited program of counter-intelligence polygraph examinations for military and civilian personnel of the Department of Defense and defense contractors who have access to information classified top secret and above; extension of the authority to pay Federal employees cash awards for disclosing fraud, waste, and abuse, and authorization of such payments to members of the Armed Services for similar disclosures; requiring all Federal government contractors to pay employees an overtime rate of pay for work done in the performance of the contract after completing 40 hours of work; and prohibiting the Department of Defense from establishing wage schedules and rates for prevailing rate employees on the basis of a survey of wage rates paid for comparable positions in other than local wage area.

Title XIII eliminates certain unintended gender-based distinctions and makes technical, codifying, and conforming amendments to titles 10 and 37, United States Code, and to other permanent provisions of law.

Title XIV contains general provisions. Some of the initiatives contained in this title include: a requirement that the President include in the budget submission for fiscal year 1988 a single budget proposal for the Department of Defense for fiscal year 1988 and 1989, and that the President submit such two-year budgets for the Department of Defense every other year; a requirement that the Secretary of Defense submit a one time report on what the Department of Defense does with funds not expended as a result of lower-than-anticipated inflation; a requirement that the Secretary of Defense regularly report estimates of the amount of funds in each Department of Defense appropriation account that are available for obligation and are in excess of amounts needed to carry out the programs for which they were appropriated; a prohibition on obligation of funds for the binary chemical munition program until certain conditions are met; a requirement that Coast Guard personnel be assigned as a law enforcement presence on each surface naval vessel at sea in the drug lanes; and an expression of the sense of Congress that U.S. Armed Forces should not be introduced into or over Nicaragua for combat.

Title XV authorizes appropiations for the National Security programs of the Department of Energy. In addition to recurring legislative provisions, some of the provisions in the title include: an authorization for a one-time payment, terminating all annual community assistance payments pursuant to the Atomic Energy Community Act of 1955, to one community; and enumeration of costs not allowable under contracts entered into pursuant to authorizations contained in this title.

Title XVI contains miscellaneous general provisions including provisions that: Authorize $130 million to carry out the programs authorized by the Federal Civil Defense Act of 1950; provide for the deposit into the National Defense Stockpile Transaction fund of 30 percent of funds accruing from the Naval Petroleum Reserves to

the United States during fiscal year 1986; make ineligible for employment in any executive agency individuals born after 1960 who are required to have registered with the Selective Service System and who knowingly and willfully failed to register; and rename the Federal Merit Scholarship Program the "Robert C. Byrd Honors Scholarship Program."

Hearings were held on H.R. 1872, the Department of Defense Authorization Act, 1986, and on H.R. 1873, the National Security Programs Authorization Act for Fiscal Years 1986 and 1987. On May 10, 1985, the committee reported a single bill incorporating the subject matter of H.R. 1873 as one title of the reported H.R. 1872. The bill was passed by the House on June 27, 1985. The text of H.R. 1872, as passed by the House, was substituted for the text of S. 1160, a similar bill previously passed by the Senate. When S. 1160, so amended, was passed by the House, the proceeding on H.R. 1872 was vacated.

(H. Rept. 99-81; S. Rept. 99-41; H. Conf. Rept. 99-235; H.A.S.C. 99-2); Date of enactment: November 8, 1985.

PUBLIC LAW 99-167 (S. 1042)

To authorize certain construction at military installations for fiscal year 1986, and for other purposes.

Public Law 99-167 authorizes $9,199,824,000 for military constructin and related support for the military departments, the reserve components, and the Department of Defense for fiscal year 1986.

On June 5, 1985, the Senate passed S. 1042, the fiscal year 1986 military construction authorization bill. It provided $8,831,012,000 in new authorization.

The House version of the fiscal year 1986 military construction authorization bill was H.R. 1409. Hearings on H.R. 1409 were held on February 27, March 13, 14, 19, 21, 27 and April 3, 16. 17, and 18, 1985.

On May 14, 1985, H.R. 1409, as amended, was reported by the full committee. On October 16, 1985, the House passed H.R. 1409, as amended, and then passed S. 1042 by amending it with the text of H.R. 1409, as amended. S. 1042 as passed by the House provided $9,200,000,000 in new authorization. It also incorporated provisions of H.R. 1771 (directing the Department of the Army to develop a comprehensive plan for the cleanup of contaimination at Rocky Mountain Arsenal in Colorado) and H.R. 2625 (authorizing the conveyance of federal land at Fort William H. Harrison, Montana, to the State of Montana for the purpose of establilishing a state Veterans' cemetery.)

The conference report on S. 1042 was agreed to in the Senate on November 12, 1985 and in the House on November 19, 1985.

A brief summary of the authorization provided by Public Law 99-167 follows:

Authorization for appropriations conference agreement, fiscal year 1986

Section 601 (Army):	
Inside the United States	$1,089,432,000
Outside the United States	429,140,000
Unspecified minor construction	31,000,000

Planning and design	136,100,000
Family housing construction	356,337,000
Family housing support	1,270,794,000
Subtotal	3,312,803,000
Section 602 (Navy):	
Inside the United States	1,304,480,000
Outside the United States	201,185,000
Unspecified minor construction	21,560,000
Planning and design	139,260,000
Defense access roads	2,960,000
Family housing construction	154,000,000
Family housing support	584,739,000
Subtotal	2,408,184,000
Section 603 (Air Force):	
Inside the United States	1,147,207,000
Outside the United States	415,550,000
Unspecified minor construction	22,000,000
Planning and design	144,096,000
Defense access roads	30,240,000
Family housing construction	212,600,000
Family housing support	729,298,000
Subtotal	2,700,991,000
Section 604 (Defense Agencies):	
Inside the United States	95,149,000
Outside the United States	104,146,000
Unspecified minor construction	4,000,000
Contingency construction	5,000,000
Planning and design	30,000,000
Family housing construction	1,910,000
Family housing support	18,390,000
Subtotal	258,595,000
Section 605 (NATO Infrastructure)	38,000,000
Section 701 (Guard and Reserve Force):	
Army National Guard	149,101,000
Army Reserve	70,700,000
Naval and Marine Corps Reserve	51,800,000
Air National Guard	139,000,000
Air Force Reserve	70,650,000
Subtotal	481,251,000
Total authorization of appropriations	9,199,824,000

Also included in the law are provisions that:

(1) authorize the construction of child care centers, waste water treatment and depot facilities with private sector financing;

(2) extend for one year the authority for the military services to enter into family housing leases for an additional 600 units and rental guarantee agreements for an additional 600 units;

(3) authorize $101,000,000 in construction to increase the security and safety for Pershing II missile sites at various locations in Germany;

(4) authorize the services to use one-step turn-key selection procedures for the purpose of entering into a limited number of construction contracts;

(5) direct the Secretary of Defense to submit to the Armed Services Committees of the Senate and the House of Representatives by March 1, 1986, a plan that provides for the orderly transfer, not later than July 1, 1990, of all Section 6 schools to the appropriate local school districts in which such schools are located; and

(6) authorize various real property transactions.

(H. Rept. 99-128; S. Rept. 99-41 (Division B of S. 1029); H. Conf. Rept. 99-366; H.A.S.C. 99-3, 99-4) Date of enactment: December 3, 1985.

PUBLIC LAW 99-169 (H.R. 2419)

To authorize appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the United States Government, for the intelligence community staff, for the Central Intelligence Retirement and Disability System, and for other purposes.

Public Law 99-169 authorizes appropriations and related matters for fiscal year 1986 for certain Department of Defense intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence.

Intelligence-related activities are those reconnaissance, surveillance and target acquisition programs of the Defense Department that are funded either partially or totally outside the National Foreign Intelligence Program.

Because the matters acted on by the committee were confined basically to classified items, the committee recommendations are reflected in the classified annex to the report on H.R. 2419 prepared by the Permanent Select Committee on Intelligence. The Armed Services Committee and the Select Committee reached an agreement on all matters that were jointly considered.

(H. Rept. 99-106, Part 1 (Intelligence) and Part 2 (Armed Services); S. Rept. 99-79 on S. 1271 (Intelligence); S. Rept. 99-136 on S. 1271 (Armed Services-Governmental Affairs, jointly) H. Conf. Rept. 99-373; H.A.S.C. 99-32) Date of enactment: December 4, 1985.

PUBLIC LAW 99-227 (H.R. 3974)

To provide for temporary family housing or temporary housing allowances for dependents of members of the armed forces who die on or after December 12, 1985, and for other purposes.

In response to the tragic loss of 248 Army service men and women in the December 12, 1985 air crash at Gander, Newfoundland, the House on December 18, 1985 passed legislation providing improved benefits to the survivors of military personnel. After differences between the House and Senate versions were resolved, the House cleared the measure for the White House on December 19, 1985.

To assist grief-stricken survivors in coping with the many changes that follow a service member's death, Public Law 99-227 allows family members to remain in government quarters for 90 days after a service member's death or to receive off-base housing allowances for that same period of time.

In addition, Public Law 99-227 backdates the effective date of the increase in the maximum benefit (from $35,000 to $50,000) payable under the Serviceman's Group Life Insurance Program from January 1, 1986, to deaths occurring after December 11, 1985.

Date of enactment: December 18, 1985.

PUBLIC LAW 99-290 (H.J. RES. 220)

To reaffirm Congress' recognition of the vital role played by members of the National Guard and Reserve in the national defense, and for other purposes.

Public Law 99-290 recognizes the vital role of the National Guard and Reserve participation by their employees. Public Law 99-290 also extends until June 1, 1986, a provision of section 8103 of Public Law 99-190, making further continuing appropriations for fiscal year 1986, relating to obligation rates in the military personnel accounts for fiscal year 1986.

(H. Rept. 99-504; H.A.S.C. 99-40) Date of enactment: May 2, 1986.

PUBLIC LAW 99-348 (H.R. 4420)

To amend title 10, United States Code, to revise the retirement system for new members of the uniformed services, and for other purposes.

Public Law 99-348 revises the retirement system for new members of the uniformed services and authorizes certain unauthorized appropriations.

The public law makes the following changes:

(1) The formula for the multiplier remains unchanged—2.5 percent for each year of service up to 30 years of service. However, for members who retire with less than 30 years of service, the multiplier will be reduced by 1 percentage point for each year of service the member retires less than 30. The reduction will be eliminated when the member reaches age 62.

(2) The cost-of-living adjustment mechanism will be changed to provide an increase equal to the percentage increase in the consumer price index minus 1 percentage point for life with a one time restoral in the purchasing power of the annuity at age 62.

With regard to multiplier, the formula will provide a two-tiered retirement annuity: a reduced annuity between the time the member retires from the uniformed service and normal retirement age and an unreduced annuity thereafter.

With regard to the issue of unauthorized appropriations, also included in H.R. 4420, the public law approves nearly all of the unauthorized items.

(H. Rept. 99-513; S. Rept. 99-292; H. Conf. Rept 99-659; H.A.S.C. 99-40) Date enactment: July 1, 1986.

PUBLIC LAW 99-413 (H.R. 4843)

To amend the Energy Policy and Conservation Act for the purpose of improving national energy policy.

Public Law 99-413 amends section 7422(c)(1) of Title 10, United States Code, by permitting the Secretary of Energy to produce the Naval Petroleum Reserves at less than the maximum efficient rate of production, if he determines that the minimum price cannot be

obtained for the U.S. share of production. The law also establishes a formula for determining a minimum price and prohibits the Secretary from selling the U.S. share of production at less than that price. The formula requires that sales of Naval Petroleum Reserves petroleum be at the higher of (a) 90 percent of the current sale price for comparable petroleum in the area, or (b) the price being paid for petroleum purchased for storage in the Strategic Petroleum Reserve, minus the cost of transportation from the Naval Petroleum Reserves to the Strategic Petroleum Reserve. Finally, the law reduces from 30 days to 15 days 1) the notification period within which the Secretary must notify the Attorney General of any proposed contract or operating agreement, and 2) the time within which the Attorney General must review contracts or operating agreements to determine their conformity with the anti-trust laws.

(H. Rept. 99-775 Part 1; H.A.S.C. 99-34) Date of enactment: August 29, 1986.

PUBLIC LAW 99-426 (H.R. 4530)

To amend the Department of Defense Authorization Act, 1985, to provide that members of the Commission on Merchant Marine and Defense shall not be considered to be Federal employees for certain purposes, to extend the deadline for reports of the Commission, and to extend the availability of funds appropriated to the Commission.

Public Law 99-426 amends section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525) to provide that members of the Commission on Merchant Marine and Defense shall not be considered to be Federal employees except for the purposes of Chapter 81 of title 5, United States Code (relating to compensation for work-related injuries), and chapter 171 of title 28, United States Code (relating to tort claims). Public Law 99-426 also extends the deadlines for reports of the Commission and extends the availability of funds appropriated to the Commission.

Public Law 99-426 will result in little or no cost to the government.

(H. Rept 99-601) Date of enactment: September 30, 1986.

PUBLIC LAW 99-433 (H.R. 3622)

To reorganize the Department of Defense and strengthen civilian authority in the Department of Defense, to improve the military advice provided to the President, the National Security Council, and the Secretary of Defense, to place clear responsibility on the commanders of the unified and specified combatant commands for the accomplishment of missions assigned to those commands and ensure that the authority of those commanders is fully commensurate with that responsibility, to increase attention to the formulation of strategy and to contingency planning, to provide for more efficient use of defense resources, to improve joint officer management policies, otherwise to enhance the effectiveness of military operations and improve the management and administration of the Department of Defense, and for other purposes.

Public Law 99-433 reorganizes major elements of the Department of Defense (DOD): the Office of the Secretary of Defense, the Joint Chiefs of Staff, the Joint Staff, the unified and specified commands, the defense agencies and DOD field activities, the joint officer personnel system, and the military departments. It also requires an annual report to the Congress on the national security

strategy of the United States, reduces the number of Defense Department reports mandated by Congress, and requires personnel reductions in the Department of Defense.

Following is a summary of the major provisions of the Act:

Title I contains provisions relating to the Department of Defense generally including provisions that:

—require the Secretary of Defense to provide annually to Department of Defense (DoD) components written policy guidance for the preparation of the components' program and budget proposals.

—require the Secretary of Defense to provide annually to the Chairman of the Joint Chiefs of Staff (JCS) written policy guidance for the preparation and review of contingency plans.

—specify that the Under Secretary of Defense for Policy is to assist the Secretary of Defense in preparing guidance for contingency plans and in reviewing those plans.

—retain the existing number (11) of Assistant Secretaries of Defense but eliminate their statutory titles, except for the Assistant Secretaries of Defense for Reserve Affairs and for Command, Control, Communications, and Intelligence.

—require the Secretary of Defense to keep the Secretaries of the Military Departments informed of military operations and DoD activities that directly affect their responsibilities.

—require the Secretary of Defense to advise the President on the qualifications needed by DoD political appointees.

—repeal the Secretary of Defense's authority to reorganize DoD positions and activities that have been established in law; and

—require the Secretary of Defense, the JCS Chairman, the Secretaries of the Military Departments (jointly), and an independent contractor to conduct separate studies on the functions and organization of the Office of the Secretary of Defense (OSD).

Title II contains provisions concerning Military Advice and Command Functions. Part A deals with the Joint Chiefs of Staff (Advisory Role of the Chairman and Other JCS Members, Appointment and Duties of the JCS Chairman and Appointment and Duties of the JCS Vice Chairman); and Part B deals with Combatant Commands (Unified and Specified Commands).

Provisions in Part A (Advisory Role of the Chairman and Other JCS Members):

—designate the JCS Chairman as the principal military adviser to the President, the National Security Council (NSC), and the Secretary of Defense;

—specify that the other JCS members are military advisers to the President, the NSC, and the Secretary of Defense, as provided below;

—require the JCS Chairman, as appropriate, to consult with and seek the advice of the other JCS members and the unified and specified combatant commanders;

—require the JCS Chairman, in presenting advice, to inform, as appropriate, the President, the NSC, or the Secretary of Defense of the range of military advice on a matter,

—require the JCS Chairman to submit to the President, the NSC, and the Secretary of Defense any JCS member's opinion in disagreement or in addition to the Chairman's advice; and

—require JCS members, individually or collectively, to provide advice on a particular matter whenever the President, the NSC, or the Secretary of Defense request it.

Provisions in Part A (Appointment and Duties of the JCS Chairman):

—allow the President to reappoint the JCS Chairman to a third two-year term; specify that if a JCS Chairman does not complete his term, his successor shall serve for the remainder of the unexpired term and then may be reappointed to two-year terms; specifies that the JCS Chairman's term begins on October 1st of odd-numbered years;

—require, subject to the President's waiver, that an officer have served as the JCS Vice Chairman, a Service Chief of Staff, or a unified or specified combatant commander in order to be appointed as the JCS Chairman;

—transfer responsibility for the duties currently performed by the corporate JCS to the Chairman; update and expand those duties to specify the following *new* statutory duties for the JCS Chairman:

preparing fiscally constrained strategic plans;

performing net assessments;

providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary of Defense;

advising the Secretary of Defense on the critical deficiencies and strengths in force capabilities that are identified during the preparation of contingency plans and their effect on meeting national security objectives;

establishing and maintaining a uniform system of evaluating the readiness of the unified and specified combatant commands;

advising the Secretary of Defense on the priorities of the unified and specified combatant commanders' requirements;

advising the Secretary of Defense on the extent to which the Services' budget proposals conform with the priorities established in strategic plans and for the requirements of the unified and specified combatant commanders;

submitting to the Secretary of Defense alternative budget proposals in order to achieve greater conformance with the priorities established in strategic plans and for the requirements of the unified and specified combatant commands;

recommending to the Secretary of Defense a budget proposal for activities of each unified and specified combatant command;

assessing military requirements for acquisition programs; and

developing joint doctrine;

—require the JCS Chairman to submit a report every 3 years to the Secretary of Defense on the roles and missions of the Armed Forces; and

—authorize the JCS Chairman, subject to the direction of the President, to attend and participate in National Security Council meetings.

Provisions in Part A (Appointment and Dating of the JCS Vice Chairman):

—Create the new position of Vice Chairman of the JCS with the rank of a four-star officer;

—designate the Vice Chairman as the second-ranking military officer just below the Chairman;

—require the JCS Chairman and Vice Chairman to be from different Services;

—specify that the Vice Chairman may serve up to three two-year terms;

—require, subject to the President's waiver, that an officer have the joint specialty (established in title IV) and have served in at least one joint duty assignment as a general or flag officer in order to be appointed as the Vice Chairman;

—specify that the Vice Chairman is to perform whatever duties are prescribed or delegated to him by the Chairman with the Secretary of Defense's approval;

—designate the Vice Chairman as the acting JCS Chairman in the absence or disability of the Chairman;

—authorize the Vice Chairman to participate in all JCS meetings and to vote only when acting as Chairman;

—specify that the Joint Staff is to assist the JCS Chairman and, subject to the authority, direction, and control of the Chairman, the other JCS members and the Vice Chairman in carrying out their responsibilities; and

—specify that the JCS Chairman manages the Joint Staff; the Chairman is to prescribe the duties and staffing procedures of the Joint Staff.

Provisions in Part B (Combatant Commands):

—specify that the operational chain of command, unless otherwise directed by the President, runs from the President to the Secretary of Defense to the unified and specified combatant commanders;

—authorize the President to direct that communications between the President or the Secretary of Defense and the unified and specified combatant commanders run through the JCS Chairman;

—authorize the President to assign duties to the JCS Chairman to assist the President and the Secretary of Defense in performing their command function;

—authorize the Secretary of Defense to assign responsibility to the JCS Chairman for overseeing the activities of the unified and specified combatant commands.

—specify that the JCS Chairman is to serve as the spokesman for the unified and specified combatant commanders, especially on their operational requirements;

—require, subject to the President's waiver, that an officer have the joint specialty and have served in at least one joint duty assignment as a general or flag officer in order to be selected as a unified or specified combatant commander;

—specify the command functions included in the authority, direction, and control of the unified or specified combatant commander over the commands and forces within his command;
—authorize the Secretary of Defense to assign authority to the unified or specified combatant commander for those aspects of administration and support that the Secretary considers necessary to accomplish that commander's missions;
—specify that commanders within a unified or specified combatant command are under the authority, direction, and control of the unified or specified combatant commander on all matters for which the unified or specified combatant commander has been assigned authority;
—require subordinate elements of a unified or specified combatant command and other DoD elements to communicate with each other (on matters for which the unified or specified combatant commander has been assigned authority) in accordance with procedures established by the unified or specified combatant commander;
—authorize the unified or specified combatant commander to direct subordinate elements within his command to advise him of all communications to and from other DoD elements (on matters for which he has *not* been assigned authority);
—require that the selection of directly subordinate commanders and members of the unified or specified combatant command staff be made only with the unified or specified combatant commander's concurrence;
—require the unified or specified combatant commander to evaluate the duty performance of directly—subordinate commanders;
—authorize the unified or specified combatant commander to suspend from duty and recommend the reassignment of any officer assigned to his command; and
—require the Secretary of Defense to include in the annual defense budget request a separate budget proposal for those activities of the unified and specified combatant commands that he determines to be appropriate.

Title III contains provisions concerning Defense Agencies and DoD Field Activities including provisions that:

—require the Secretary of Defense to assign supervisory responsibility for each Defense Agency and Field Activity (except the Defense Intelligence and the National Security Agency) to an official of the Office of the Secretary of Defense or the JCS Chairman;
—direct the JCS Chairman to review and advise the Secretary of Defense on the readiness of certain Defense Agencies to carry out their wartime support mission;
—require the JCS Chairman to provide for the participation of certain Defense Agencies in joint training exercises;
—require the JCS Chairman to develop a readiness reporting system for certain Defense Agencies;
—direct the Secretary of Defense, the JCS Chairman, and the Secretaries of the Military Departments to conduct separate studies of the functions and organizational structure of the Defense Agencies and Field Activities;

—direct the Secretary of Defense to undertake, 2 years after the initial report required by the above item, a biennial review of the Defense Agencies and Field Activities; and

—reduce the number of headquarters and non-headquarters personnel serving in the Defense Agencies and Field Activities; imposes a cap at the reduced levels of September 30, 1989.

Title IV contains provisions concerning joint officer personnel policy including provisions that:

—Establish an occupational category, referred to as the "joint specialty", for the management of officers who are trained in and oriented toward joint matters;

—provide that joint specialty officers shall be selected by the Secretary of Defense from nominees submitted by the Secretaries of the Military Departments;

—require that an officer may not be selected for the joint specialty until he completes a joint education program and a full joint duty tour;

—require that 50 percent of joint duty positions in grades above captain/Navy lieutenant be filled by officers who have been nominated or selected for the joint specialty;

—direct the Secretary of Defense to designate at least 1,000 critical joint duty assignments that must always be filled by joint specialty officers;

—require the Secretary of Defense to establish career guidelines for joint specialty officers;

—require, subject to a waiver by the Secretary of Defense, that all officers promoted to general or flag rank must attend an education course on working with the other armed forces;

—require all joint specialty officers and a high proportion of other officers who graduate from a joint school to be assigned immediately to a joint duty position;

—prescribe, subject to a waiver by the Secretary of Defense, that joint duty tours shall be at least 3 years in length for general and flag officers and at least 3½ years in length for other officers.

—require the Secretary of Defense to exclude joint training assignments and assignments within the Military Departments in the definition of "joint duty assignment";

—specify that each promotion board, subject to a waiver for the Marine Corps, that will consider officers who have served in joint duty assignments, shall include at least one joint duty officer designated by the JCS Chairman;

—establish the following promotion review process for officers who are serving, or have served, in joint duty assignments:

require the Secretary of Defense to furnish to the Secretaries of the Military Departments guidelines to ensure that promotion boards give appropriate consideration to joint duty performance;

direct the JCS Chairman to review promotion board reports before they are submitted to the Secretary of Defense;

authorize the Secretary of a Military Department, if the JCS Chairman determines that the promotion board acted contrary to the Secretary of Defense's guidelines, to return

the report to the promotion board (or a subsequent promotion board) for further proceedings, convene a special promotion board, or take other appropriate action;

direct the Secretary of Defense to take appropriate action to resolve any remaining disagreement between the Secretary of a Military Department and the JCS Chairman;

—require the Secretary of Defense to ensure that the qualifications of officers assigned to joint duty assignments are such that certain promotion rates will be achieved;

—require, subject to a waiver by the Secretary of Defense, that an officer may not be promoted to general or flag rank unless he has served in a joint duty assignment;

—require the JCS Chairman to evaluate the joint duty performance of officers recommended for three- and four-star rank; and

—require the Secretary of Defense to advise the President on the qualifications needed by officers to serve in three- and four-star positions.

Title V contains provisions concerning the Military Departments including provisions that:

—specify the responsibilities of the Secretaries of the Military Departments to the Secretary of Defense;

—specify that the functions of the Military Departments are to be carried out so as to fulfill the operational requirements of the unified and specified combatant commands;

—make consistent the appointment and statutory descriptions of the roles and authorities of the Secretaries of the Military Departments, Chiefs of Staff and other officials and officers;

—retain the civilian Secretariat and the military headquarters staff as separate staffs in each Military Department;

—consolidate sole responsibility for the following functions in each Service Secretariat: acquisition, auditing, comptroller, information management, inspector general, legislative affairs, and public affairs; prohibits the establishment or designation of any office within the military headquarters staffs to conduct any of these functions;

—consolidate sole responsibility for research and development in each Service Secretariat but specify that the Secretaries of the Military Departments may assign to the military headquarters staffs responsibility for those aspects of research and development that relate to military requirements and test and evaluation;

—direct the Secretaries of the Military Departments to prescribe the relationship of offices within the Secretariats responsible for these functions to the Chiefs of Staff and the military headquarters staffs;

—retain the existing number and statutory titles (including Manpower and Reserve Affairs) of the Assistant Secretaries of the Military Departments;

—limit each military headquarters staff to five Deputy Chiefs of Staff and three Assistant Chiefs of Staff;

—reduce the number of general and flag officers on each military headquarters staff by 15 percent by September 30, 1988;

—reduce the number of personnel serving in the Secretariat and military headquarters staff of each Military Department; imposes a cap on such personnel at the reduced levels of September 30, 1988;

—require the Chiefs of Staff to inform the Secretaries of their Military Departments of military advice rendered by JCS members on matters affecting their Military Departments, to the extent that such action does not impair the independence of the Chiefs of Staff in the performance of their JCS duties;

—require the Chiefs of Staff, subject to the authority, direction, and control of the Secretary of Defense, to keep the Secretaries of their Military Department fully informed of significant military operations affecting the duties of the Secretary of their Military Department; and

—make the functional assignments of the Navy consistent with those of the other Services by removing the statutory assignment of certain roles and missions (naval reconnaissance, anti-submarine warfare, and protection of shipping).

Title VI contains miscellaneous provisions that:

—reduce the number of defense reports required by the Congress from the President and the Defense Department by about two-thirds of the total;

—reduce the number of personnel serving on the lower-level headquarters staffs of the Military Departments and the unified and specified combatant commands; imposes a cap on such personnel at the reduced levels of September 30, 1988; and

—require the President to submit an annual report to the Congress on the national security strategy of the United States.

The committee reported H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985, on November 14, 1985, and the House passed the bill on November 20, 1985 by a vote of 383–27. The committee reported H.R. 4370, the Bill Nichols Department of Defense Reorganization Act of 1986, on July 21, 1986. That bill addressed reorganization of elements of the Department of Defense other than the Joint Chiefs of Staff. The text of H.R. 4370, as amended, was accepted by the House on August 5, 1986 in the form of an amendment to the fiscal year 1987 Department of Defense Authorization bill, H.R. 4428, by a vote of 406–4. Subsequently, the amended text of H.R. 4370 was combined with provisions of the original text of H.R. 3622 and approved by the House as the House amendment to the Senate amendment to H.R. 3622. (See "Other Activities of Subcommittees" for a discussion of Department of Defense Reorganization. See "Legislation Reported But Not Enacted" for a discussion of H.R. 4370. See "Legislation Considered But Not Reported" for discussions of several bills related to Defense reorganization: H.R. 2165, H.R. 2265, H.R. 2314, H.R. 2710, H.R. 4068, H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237.) The conference committee completed its work and submitted its report, H. Rept. 99–824, on September 12, 1986. The Senate passed the conference report on September 16, 1986 and the House passed the conference report on September 17, 1986.

(H. Rept. 99–375; H. Rept. 99–700; H. Conf. Rept. 99–824; H.A.S.C. 99–10) Date of enactment: October 1, 1986.

PUBLIC LAW 99-561 (S. 1352)

To authorize appropriations to carry out conservation programs on military reservations and public lands during the fiscal years 1986, 1987 and 1988.

Public law 99-561 authorizes $26.5 million in appropriations each year for fiscal years 1986 through 1988 for the Sikes Act, which authorizes various Federal departments to maintain conservation programs on military reservations and other lands.

In addition, the law requires that: (1) the Secretary of each military department manage the fish and wildlife resources under this jurisdiction with trained professionals; (2) plans be developed for each military reservation in cooperation with all appropriate parties and that such plans be reviewed on a regular basis; (3) a detailed report be prepared outlining the amount and purpose of all expenditures during fiscal year 1986 for fish and wildlife management on each military reservation; and (4) priority be given to the Federal or State agency with expertise in management of fish and wildlife in any contracting out action.

Finally, the law modifies the existing timber reserve account by depositing the total amount of money received from the proceeds of the sale of forest products, minus reimbursements for expenses (instead of one-half the total amount as in the previous law) and makes the money available for all natural resources management (rather than just forestry); and clarifies that the reserve account may not exceed $4 million on December 31 of any calendar year and that any unobligated balances exceeding $4 million on that date shall be deposited into the U.S. Treasury.

H.R. 1202, the House companion bill to S. 1352, was sequentially referred to the committee after the bill, as amended, was reported on May 1, 1985 by the Merchant Marine and Fisheries Committee.

Hearings were held on H.R. 1202 on June 18, 1985 and the bill was reported by the committee on June 25, 1985. H.R. 1202, as amended, was passed by the House on July 29, 1985.

S. 1352, as amended, was passed by the Senate on October 3, 1986, with no written report, and passed by the House on October 14, 1986.

(H. Rept. 99-129, Part 1 (Merchant Marine and Fisheries) and Part 2 (Armed Services)) Date of enactment: October 27, 1986.

PUBLIC LAW 99-569 (H.R. 4759)

To authorize appropriations for fiscal year 1987 for intelligence and intelligence-related activities of the United States Government, for the intelligence community staff, for the Central Intelligence Retirement and Disability System, and for other purposes.

Public Law 99-569 authorizes appropriations and related matters for fiscal year 1987 for certain Department of Defense Intelligence-related activities within the jurisdiction shared by the Committee on Armed Services and the Permanent Select Committee on Intelligence.

Intelligence-related activities are those reconnaissance, surveillance and target acquisition programs of the Defense Department that are funded either partially or totally outside the National Foreign Intelligence Program.

Because the matters acted on by the committee were confined basically to classified items, the committee recommendations are reflected in the classified annex to the report on H.R. 4759 prepared by the Permanent Select Committee on Intelligence. The Armed Services Committee and the Select Committee reached an agreement on all matters that were jointly considered.

(H. Rept. 99-690, H. Conf. Rept. 99-952) Date of enactment: October 27, 1986.

PUBLIC LAW 99-570 (H.R. 5484)

To strengthen Federal efforts to encourage foreign cooperation in eradicating illicit drug crops and in halting international drug traffic, to improve enforcement of Federal drug laws and enhance interdiction of illicit drug shipments, to provide strong Federal leadership in establishing effective drug abuse prevention and education programs, to expand Federal support for drug abuse treatment and rehabilitation efforts, and for other purposes.

Title III of Public Law 99-570 authorizes $138 million for the refurbishment and upgrading of 4 existing E-2C Hawkeye surveillance aircraft or any other aircraft determined better suited by the Secretary of the Navy; $99.5 million for 7 radar aerostats; $40 million for 8 Blackhawk helicopters; $45 million for installation of 360-degree radar systems on Coast Guard long-range surveillance aircraft; $7 million for equipment acquisition for the Civil Air Patrol; and $15 million for continued Navy deployment of Coast Guard tactical law enforcement teams (Taclets) aboard Navy vessels.

Date of enactment: October 27, 1986.

PUBLIC LAW 99-606 (H.R. 1790)

To withdraw certain public lands for military purposes, and other purposes.

Public Law 99-606 authorizes the withdrawal of certain public lands in Alaska, Arizona, Nevada and New Mexico for military purposes.

On October 17, 1986, the House passed H.R. 1790, the Military Lands Withdrawal Act of 1986, after adopting an amendment in the nature of a substitute. On October 18, 1986, the Senate passed the identical bill.

Public Law 99-606 includes the provisions of H.R. 4351 which dealt with two areas in Nevada—the "Bravo 20" site at Naval Air Station, Fallon and Nellis Air Force Base. Hearings were held on H.R. 4351 on July 16, 1986. On July 23, 1986, the bill, as amended in subcommittee, was reported by the full committee. On August 12, 1986, the House passed H.R. 4351, in the nature of a substitute.

Public Law 99-606 also includes provisions found in H.R. 5389 which dealt with areas in Alaska—Fort Wainwright and Fort Greely. On September 29, 1986 the committee was discharged from further consideration of this bill and it passed the House under suspension of the rules.

Public Law 99-606 provides for the withdrawal of public lands in four states for the use of the military for training areas.

Section 1 of the law provides for the withdrawal of approximately 22,000 acres for the "Bravo 20" Bombing Range at Naval Air Station, Fallon, Nevada; the withdrawal of approximately 3 million acres of land for the Nellis Air Force Range, Nevada; the with-

drawal of approximately 2,700,000 acres of land at the Barry M. Goldwater Air Force Range, Arizona; the withdrawal of approximately 608,000 acres of land at the McGregor Range in New Mexico; the withdrawal of 624,000 acres of land for the Fort Greely Maneuver Area and Air Drop Zone, Alaska; and the withdrawal of approximately 248,000 acres of land for Fort Wainwright Manuever Area, Alaska.

Section 3 provides for the management of the lands by the Secretary of the Interior and outlines the military uses of these lands.

Section 5 limits the withdrawal of these lands to 15 years and requires that a draft environmental statement be issued no later than 12 years after enactment of the legislation.

Section 6 requires a report to be submitted to Congress no later than 5 years after enactment of the legislation on the cumulative effects of the continued and renewed withdrawals by the Navy and Air Force on the environment and population of Nevada.

Other sections deal with the management of the areas for wildlife, mineral leasing, water rights and decontamination if required.

(S. Rept. 99-514; H. Rept. 99-689 Part I (Interior) Part II (Armed Services); H. Rept. 99-920 (Interior)) Date of enactment: November 6, 1986.

PUBLIC LAW 99-661 (S. 2638)

To authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Division A

Title I authorizes $85,065,100,000 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, other weapons, ammunition, and other procurement for the Armed Forces and Defense Agencies.

Title I also includes provisions that establish obligational ceilings for procurement accounts, authorize selected multiyear procurement contracts, require separate procurement budgets for Guard and Reserve forces components, stipulate limitations and conditions for selected procurement programs and prescribe conditions and limitations for the binary chemical weapons modernization program.

Title II contains provisions authorizing $36,215,552,000 for research, development, test and evaluation in fiscal year 1987 for the Department of Defense. Some of the initiatives contained in this title include: authorization for the transfer of $20,000,000 from Navy research and development to the Office of the Secretary of Defense for use in the evaluation and tests of the Rankine Cycle Energy Recovery (RACER) system; authorization of up to $50,000,000 to the Navy for equipment modifications identified from the Libyan Lessons Learned study; $70,000,000 to the Air Force to initiate full-scale development of a Short-Range Attack Missile (SRAM) A modification or SRAM II replacement for the SRAM A should the Air force consider this to be the cost effective solution to the SRAM requirement; $200,000,000 to the Air Force

for the Space Defense System research and development and denial of funding for any production verification of the Miniature Homing Vehicle associated with the Space Defense System; an additional $80,000,000 to the Air Force for the Pave Tiger/Seek Spinner programs for facilitization for production of the Pave Tiger/Seek Spinner system; $240,600,000 for the Strategic Technology program in the Defense Agencies, $10,000,000 of which is available only for independent research in ocean science and related areas to provide assessment of non-acoustic submarine detection possibilities; a provision stating that none of the funds for the full-scale development of the Navy Advanced Tactical Aircraft or the Air Force Advanced Tactical Fighter may be utilized for full-scale development until the Secretary of Defense certifies to the Congress that the requirements for both aircraft have been finalized and have been agreed to by the Secretary of the Navy, the Secretary of the Air Force and the Office of the Secretary of Defense; a provision providing for the removal of funding from individual electronic warfare program accounts in each service; the institution in their place of a single consolidated electronic warfare program element within each of the services research accounts, the requirement that the Under Secretary of Defense for Acquisition issue an electronic warfare master plan and the direction that $100,000,000 be made available to the Under Secretary for purposes of funding electronic warfare programs that offer significant promise; $3,213,000,000 for the Strategic Defense Initiative (SDI) program; $50,000,000 within the SDI program for the development of anti-tactical ballistic missile system to be developed on a cooperative basis with U.S. allies; a provision that denies expenditure of funds for a federally funded research and development center for SDI until the Secretary of Defense and the Comptroller General have submitted a report on the need for a research center and further specifies that this center cannot be established unless funds for this purpose are specifically authorized to be appropriated in an act other than an appropriation act or continuing resolution; a provision that establishes a Conventional Defense Initiative to provide an emphasis on improving the conventional weapons of the armed forces and to enhance cooperation with other member nations of the North Atlantic Treaty Organization; $453,000,000 for the Balance Technology Initiative, to be used to expand research on innovative concepts and methods of enhancing conventional defense capabilities and to be applied to the restoration of the conventional defense technology base; a provision that directs the Secretary of Defense not to carry out tests of the Space Defense System against an object in space until the President certifies that the Soviets have tested a dedicated anti-satellite system against an object in space; a provision that provides for the funding of the Intercontinental Ballistic Missile (ICBM) modernization program and provides $120,000,000 for research and development of follow-on basing options, $290,000,000 for continued research and development of the Peacekeeper missile, $1,200,000,000 for the continued research and development of the small mobile ICBM and basing for such missile and repeals the provision of fiscal year 1985 Defense Authorization Act pertaining to the linkage of the Peacekeeper missile deployment and the small mobile ICBM when full-scale engineering development of the small

mobile ICBM begins; and $20,000,000 to the Defense Agencies for a cooperative medical research program with the Veterans' Administration.

Title III authorizes $78,597,260,000 for operation and maintenance (O&M) activities and $908,300,000 to provide capital to meet inventory build and war reserve stock requirements for Department of Defense working capital funds in fiscal year 1987. Additional authorization is provided for priority readiness programs and for the operation, maintenance and repair of Army National Guard armories. Other initiatives contained in this title include: support to the Tenth International Pan American Games; a requirement to provide budget documentation reflecting the numbers and costs on contract civilian employees; specification of the categories of merchandise that may be sold in commissaries; a requirement that beer and wine purchased for resale at military installations in the United States be purchased from a source within the state in which the military installation is located; a prohibition for the purchase of petroleum products from Angola unless the Secretary of Defense determines such purchase to be in the best interest of the United States; and a prohibition on the contracting out of Army ammunition activities at McAlester, Oklahoma, and Crane, Indiana.

Title IV provides personnel authorizations for the active forces, reserve forces and military training.

The end strengths for active duty personnel for fiscal year 1987 are as follows:

Army, 780,800
Navy, 587,000
Marine Corps, 199,600
Air Force, 606,850

The end strengths for the Selected Reserve are as follows:

Army National Guard of the United States, 452,681
Army Reserve, 318,011
Navy Reserve, 149,486
Marine Corps Reserve, 43,470
Air National Guard of the United States, 113,767
Air Force Reserve, 79,562
Coast Guard Reserve, 12,850

The end strengths for reserves on active duty in support of the reserve components are as follows:

Army National Guard of the United States, 24,731
Army Reserve, 12,407
Navy Reserve, 21,476
Marine Corps Reserve, 1,745
Air National Guard of the United States, 8,169
Air Force Reserve, 665

Title IV also contains a provision requiring a reduction in the size of the officer corps.

Title V contains a number of provisions relating to personnel policy for the active forces, the reserve forces and civilian personnel of the Department of Defense including provisions that: repeal the requirement regarding enlistment of women in the Air Force during fiscal year 1987; provide a temporary increase in the number of general and flag officers authorized to be on active duty

in three- and four-star grades; require a study of representation of religious faiths in the armed forces; increase to 200,000 the number of selected reservists the President may involuntarily order to active duty pursuant to section 673b of title 10, United States Code; prohibit state governors from withholding their consent with regard to active duty training for national guardsmen outside the United States because of any objection to the location, purpose, type or schedule of such training; and waive for fiscal year 1987 ceilings on the end strength of civilian personnel.

Title VI contains a number of provisions relating to compensation and other personnel benefits including provisions that: provide a three percent increase in basic pay, basic allowance for quarters and basic allowance for subsistence for members of the uniformed Services effective January 1, 1987; limit the amount authorized to be appropriated for permanent change of station moves during fiscal year 1987 to $2,533,760,000; authorize a special pay for military members proficient in certain foreign languages; provide authority for courts to order a member to elect Survivor Benefit Plan coverage for a former spouse; and revise the definition of disposable retired pay for purposes of court orders.

Title VII contains a number of provisions relating to health-care management reform including provisions that require the establishment of a health care enrollment system to be phased-in over three years; establish the Military Health Care Account; require the use of Diagnosis Related Groups (DRGs) as the primary resource allocation tool for patient care provided in military hospitals; require a demonstration project on the proposed CHAMPUS Reform Initiative; redirect the proposed procurement of a medical information system, commonly known as the Composite Health Care System (CHCS); and extend until December 31, 1988 the earliest date after which the Uniformed Services Treatment Facility status of 10 former Public Health Service hospitals can be terminated.

Title VIII contains a number of provisions relating to the Uniform Code of Military Justice including provisions that: create a verdict of not guilty only by reason of lack of mental responsibility; extend military criminal jurisdiction over reservists; and conform the statute of limitation in the Uniform Code of Military Justice to the civilian counterpart provisions of title 18, United States Code.

Title IX contains a number of provisions relating to reform of the defense procurement process which include provisions: establishing the position of Under Secretary of Defense for Acquisition, who takes precedence over service Secretaries on matters for which he has responsibility; requiring the establishment of baselines for all major defense acquisition programs; establishing enterprise programs with shortened management reporting lines; giving preference to nondevelopmental items; limiting undefinitized contracts; clarifying spare parts pricing requirements; amending the threshold for publication of notice of an intended procurement; restricting the Department of Defense in placing work with federally funded research and development centers; requiring the Department of Defense to build competitive prototypes for all major weapons systems; establishing new criteria for contracts set aside for small business; and establishing a requirement for the Department of De-

fense to award five percent of its contract dollars to small and socially disadvantaged businesses. In addition, the title clarifies work measurement reporting requirements, strengthens the Truth in Negotiation Act provisions, clarifies ownership rights in and fees for technical data, establishes new limitations on employment of government acquisition personnel by defense contractors, establishes new restrictions on contracts with firms owned or controlled by governments that support terrorism, requires comparable budgeting for similar systems and requires that certain contractors provide information on subcontract opportunities.

Title X contains provisions related to arms control. These include a sense of Congress that it is in the national security interest of the United States to continue voluntary compliance with the numerical sublimits of the SALT II Treaty, a sense of Congress that the President should request the advice and consent of the Senate on ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and resume negotiations towards the conclusion of a verifiable comprehensive test ban treaty. It also directs the Chairman of the Joint Chiefs of Staff to submit to Congress a report on the military consequences of a U.S. policy of discontinuing compliance with the major provisions of the existing strategic offensive limitations agreements, and the likely military responses of the Soviet Union.

Title XI contains provisions relating to the North Atlantic Treaty Organization. Included are provisions that pertain to the modernization of the defense capabilities of NATO's southern flank, strengthen the cooperative weapons partnership program through an integrated logistics support structure, expand the NATO cooperative armaments projects authority to include other friendly nations, extend the cooperative logistics support program to include other friendly non-NATO countries and to expand the NATO cooperative research and development program to certain major non-NATO allies.

Title XII contains provisions related to the management of certain procurement matters. Some of the initiatives contained in this title include: a requirement that overhaul maintenance and repair work on naval vessels with a duration of six months or less be done in the home port of the vessel if adequate competition exists; a requirement that contracts for the repair or maintenance of naval vessels include provisions setting out hazardous materials expected to be generated during the repair or maintenance and providing for compensation of the contractor for the removal, handling, storage, transportation, and disposal of hazardous wastes; a requirement for the inspection of charter aircraft used for the transportation of members of the armed forces; a one time requirement that the Defense Investigative Service conduct a review of security administration of DOD contractors involved in special access programs; and establishment of a goal that five percent of the total combined amount of DOD contracts and subcontracts for the next three years be awarded to small business concerns owned and controlled by socially and economically disadvantaged individuals, historically Black colleges and universities, and minority institutions.

Title XIII contains general provisions relating to financial matters, special operations (including the establishment of a unified

combatant command for special operations forces), payments of training expenses of foreign countries in combined military exercises, miscellaneous reports to Congress, technical and clerical amendments, and other miscellaneous matters.

Title XIV creates and establishes procedures for the operation of the Barry Goldwater Scholarship and Excellence in Education Foundation.

Division B

Division B authorizes $8,409,289,000 for military construction and family housing for fiscal year 1987.

Title I authorizes a total of $2,870,396,000 for the Department of the Army for military construction and family housing. The title also contains provisions that authorize the Secretary of the Army to enter into one or more contracts for construction projects at Fort Drum, New York, in advance of the availability of appropriations if such contract limits the amount of payments the Federal government is obligated to make to the amount of appropriations available; provide authority to the Secretary of the Army to use not more than $400,000 from planning and design funds to provide planning assistance to local communities located near the newly established light infantry divisions at Fort Drum, New York, and Fort Wainwright, Alaska; and authorize advance appropriations for construction in support of the light infantry division at Fort Drum, New York as follows: (1) $221,000,000 in fiscal year 1988, and (2) $214,000,000 in fiscal year 1989.

Title II authorizes a total $2,147,438,000 for military construction and family housing for the Department of the Navy. The title also contains provisions that authorize the Secretary of the Navy to acquire, without reimbursement, 89 existing family housing units from the Federal Aviation Administration at Finegayan, Guam; restrict the obligation of funds authorized for Naval Station, Everett, Washington, until (1) all Federal, State and local permits required for dredging activities in support of strategic homeporting at Everett have been issued and (2) the State of Washington has appropriated, in fiscal year 1987, its share of funds for fiscal years 1988 and 1989 for all projects agreed with by the Secretary of the Navy for homeporting at Everett; and limit the amount of funds to $272,000,000, including $16,000,000 for defense access roads that may be obligated or expended for construction associated with strategic homeporting at Everett, Washington, during fiscal years 1986 through 1991.

Title III authorizes $2,143,729,000 for military construction and family housing for the Department of the Air Force. The title also contains a provision that restricts the use of any funds appropriated for military construction for fiscal year 1987 for the basing of 8 KC-135 tanker aircraft at any military installation or facility other than Little Rock Air Force Base, Jacksonville, Arkansas.

Title IV authorizes $532,030,000 for military construction and family housing for the Defense Agencies. The title also contains provisions that authorize the Secretary of Defense to enter into one or more contracts, in advance of appropriations, for the design and construction of a 450 bed replacement facility for Brooke Army Medical Center, San Antonio, Texas, with inital construction to be

200 beds built around core facilities that wold support expansion to 450 beds; and authorize the Secretary of Defense to use not more than $10 million of appropriated funds to carry out military construction projects not otherwise authorized by law to provide hazardous waste storage facilities at various locations where environmental permits have been acquired.

Title V authorizes the Secretary of Defense to make contributions for the NATO infrastructure program and authorizes appropriations of $247 million for the U.S. contribution in fiscal year 1987. The title also contains a provision that prohibits the Secretary of Defense from obligating or expending any funds after fiscal year 1987 from the NATO Infrastructure program until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive master plan for establishing adequate active defenses for (a) air bases in Europe at which operations of U.S. aircraft are planned, and (b) sites in Europe used by the United States for logistic support and prepositioned overseas material configured to unit sets. In addition, the Secretary must submit a report containing a certification that sufficient funds have been budgeted in the fiscal year 1988 5-year defense plan to meet the objectives of the comprehensive master plan.

Title VI authorizes appropriations of $468,696,000 for the Guard and Reserve components as follows:

Army National Guard	$133,271,000
Army Reserve	86,700,000
Naval and Marine Corps Reserve	44,500,000
Air National Guard	145,325,000
Air Force Reserve	58,900,000

Title VII contains general provisions related to military construction, planning and design, third-party financing of projects, community planning assistance, and real estate studies and transactions. Some of the initiatives contained in this title include: the continuation of build-to-lease and rental guarantee housing pilot programs through September 30, 1988; a prohibition against executing any military construction project contract on Guam if the work is to be carried out by any person who is a nonimmigrant as described in the Immigration and Nationality Act; a prohibition against the use of funds for the design of a proposed Pentagon Annex in Arlington, Virginia; and the requirement for a joint study by the Department of Defense and Department of Education to determine the needs for construction, extension and rehabilitation of dependents' schools on military installations in the United States.

Division C

Title I authorizes appropriations for National Security programs of the Department of Energy (DOE) for fiscal year 1987 and contains a number of legislative provisions. In addition to recurring legislative provisions, some of the provisions included in the title: establish criteria for the protection of sensitive technical information; establish a restriction on the use of funds appropriated to the Department of Energy for National Security programs to pay penalties under environmental laws when the Congress has denied funds for compliance with those laws; provide authority for Depart-

ment of Energy contractor employes to carry firearms beyond boundaries of a DOE facility in certain circumstances; and establish a Joint Nuclear Weapons Council.

Title II contains provisions relating to the National Defense Stockpile. The title includes provisions which prohibit the President from lowering goals for strategic and critical meaterials in the National Defense Stockpile during fiscal year 1987; require the Secretary of Defense to submit to Congress by January 31, 1987 a report describing war emergency situations that would necessitate total mobilization of the economy of the United States for a convential global war of duration of at least three years and recommend which war emergency situation should serve as the basis for national defense stockpile planning; require the President to designate not later than February 15, 1987 a single Federal official to be known as the "National Defense Stockpile Manager" to perform the functions of the President in managing the National Defense Stockpile; extend the uses of the stockpile transaction fund; authorize the disposal of varying quantities of 13 materials currently held in the stockpile as excess to requirements during fiscal year 1987, but only to the extent that the total amount received from the disposals does not exceed the amount obligated for new materials for the stockpile; and provide for the conversion of chromium and manganese ores held in the National Defense Stockpile into high carbon ferrochrome and high carbon ferromanganese over a seven year period.

Title III authorizes $120,565,000 for fiscal year 1987 to carry out the programs authorized by the Federal Civil Defense Act of 1950.

Division D contains a number of provisions, relating to child nutrition, including school lunch and breakfast programs, special supplemental food program for women, infants and children and other nutrition programs.

Hearings were held on authorizing appropriations and activities for fiscal year 1987 for the Department of Defense (H.R. 4428), for military construction, (H.R. 4180), and for national security programs of the Department of Energy (H.R. 4526). On July 25, 1986, the committee reported a single bill incorporating the subject matter of H.R. 4428. The bill was passed by the House on August 15, 1986. The text of H.R. 4428, as passed by the House, was substituted for the text of S. 2638, a similar bill previously passed by the Senate. The conference between the House and the Senate, therefore, occurred on S. 2638 and the House amendment thereto,

(H. Rept, 99-718; S. Rept. 99-331; H. Conf. Rept. 99-1001) Date of enactment: November 14, 1986.

Legislation Reported But Not Enacted

H.R. 752

To amend title 38, United States Code, to ensure an orderly transition to the new educational assistance program established by chapter 30.

H.R. 752, as reported, would have moved back the effective date of both the active duty and Selected Reserve portions of the new G.I. bill (Title VII of Public Law 98-525) from July 1, 1985, to the date of enactment of H.R. 752 and would have extended eligibility

for the active duty program to prior service personnel returning after a break in service. H.R. 752 incorporated a portion of H.R. 886—a related bill designed to ensure an orderly transition to the new Reserve G.I. bill. (See "Legislation Considered But Not Reported" elsewhere in this report for additional discussion of H.R. 886.)

H.R. 752 was jointly referred to the Committees on Armed Services and Veterans' Affairs. The Committee on Veterans' Affairs reported H.R. 752 on March 20, 1985. Following approval by the Subcommittee on Military Personnel and Compensation, the Committee on Armed Services favorably reported H.R. 752, with amendment, on March 20, 1985.

H.R. 752 was passed by the House on March 25, 1985, but was not favorably considered by the Senate.

(H. Rept. 99-17, Part 1 (Veterans' Affairs) and Part 2 (Armed Services); S. Rept. 99-96 (Veterans Affairs); S., Rept. 99-124 (Armed Services)).

H.R. 1202

To authorize appropriations to carry out conservation programs on military reservations and public lands during the fiscal years 1986, 1987 and 1988.

H.R. 1202 would have authorized $26.5 million in appropriations each year for fiscal years 1986 through 1988 for the Sikes Act, which authorizes various federal departments to maintain conservation programs on military reservations and other public lands.

H.R. 1202 was sequentially referred to the committee after the bill, as amended, was reported on May 1, 1985 by the Merchant Marine and Fisheries Committee.

Hearings were held on H.R. 1202 on June 18, 1985 and the bill was reported by the committee on June 25, 1985. H.R. 1202, as amended, was passed by the House on July 29, 1985. It was later included in the provisions of S. 1352 (Public Law 99-561). (See "Legislation Enacted Into Law" elsewhere in this report for additional information on Public Law 99-561.)

(H. Rept. 99-129, Part 1 (Merchant Marine and Fisheries), Part 2 (Armed Services); H.A.S.C. 99-7).

H.R. 2397

To amend title 10, United States Code, to limit the payment of costs to defense contractors and for other purposes.

H.R. 2397 would have: (1) established 10 categories of costs that would not have been allowable under covered defense contracts; (2) required the Secretary of Defense to publish new regulations relating to 16 other categories of costs; (3) established both administrative and criminal penalties for the submission of unallowable costs; (4) required that contractors certify that the costs they submitted to the government were allowable; (5) precluded lump-sum settlements of questioned costs; (6) precluded settlement of costs for which the contractor did not provide adequate documentation to support the initial submission; and, (7) precluded payment of interim rates at an amount greater than the amount not questioned by the government auditors in previous years.

H.R. 2397, introduced on May 7, 1985, was the result of a series of hearings and an extensive audit review of seven defense contrac-

tors conducted by the Subcommittee on Seapower and Strategic and Critical Materials and the Subcommittee on Investigations. (See "Inquiry Into Defense Contractors" under "Other Activities of Subcommittees" elsewhere in this report for additional information.) The Subcommittee on Investigations held a hearing on the bill on May 20, 1985, and an amended bill was reported by the committee on May 22, 1985. Subsequently, the text of H.R. 2397 was adopted as a floor amendment to the fiscal year 1986 Defense Authorization Act. (See Public Law 99-145, Title IX, under "Legislation Enacted Into Law".)

(H. Rept. 99-169; H.A.S.C. 99-16, 99-17 and 99-32).

H.R. 2554

To limit conflicts of interest in defense procurement.

H.R. 2554, a clean bill superseding both H.R. 272 (on which hearings were held) and H.R. 2365 (which was incorporated into H.R. 2554), would have limited the appearance or actual occurrence of conflicts of interest by Department of Defense procurement officials and improved the reporting of post-government employment of former procurement officials employed in the defense industry. (See "Legislation Considered But Not Reported" elsewhere in this report for additional discussion of H.R. 272 and H.R. 2356.)

The committee reported H.R. 2554 with an amendment on November 21, 1985. H.R. 2554 was referred on the same date to the Committees on the Judiciary and on Post Office and Civil Service for a period ending not later than March 15, 1986. A provision dealing with conflicts of interest, and similar to H.R. 2554, was enacted as Section 931 of the fiscal year 1987 Department of Defense Authorization Act. (Public Law 99-661). (See "Legislation Enacted Into Law" elsewhere in this report for a discussion of Public Law 99-661.)

(H. Rept. 99-397, Part 1 (Armed Services) and Part 2 (Judiciary); H.A.S.C. 99-11)

H.R. 3606

To clarify the application of section 2406 of title 10, United States Code, relating to cost and price management, and to delay the effective date of such provision.

H.R. 3606 contained provisions that would have delayed the effective date of section 2406 of title 10, United States Code, as added by the Department of Defense Authorization Act, 1986 (Public Law 99-145), and clarified the application of the section to contracts in existence on the date of enactment of the section, and provided that a defense agency would not be required to record any cost or price information if the contractor did not maintain the information on the effective date of the Act.

H.R. 3606 was introduced on October 23, 1985, was considered by the committee, and ordered reported on October 24, 1985. The bill passed the House on October 29, 1985 under suspension of the rules and was ordered placed on the Senate Calendar on October 30, 1985. No further action was taken by the Senate.

H.J. RES. 540

Relating to Central America pursuant to the International Security and Development Cooperation Act of 1985.

H.J. Res. 540 would have transferred $100 million from the amounts appropriated for the Department of Defense for fiscal year 1986 (Further Continuing Appropriations, 1986, Public Law 99-190) to the appropriations available for humanitarian and military assistance to the Nicaraguan democratic resistence.

The committee favorably reported the bill on March 11, 1986. The bill was reported adversely by the other committees having jurisdiction (Appropriations, Foreign Affairs, and Intelligence).

H.J. Res. 540 failed passage on March 20, 1986.

(H. Rept. 99-483, Part 1 (Appropriations), Part 2 (Foreign Affairs), Part 3 (Armed Services), Part 4 (Intelligence; H.A.S.C. 99-47)

H.R. 4351

To withdraw certain public lands in the State of Nevada for military operation, and for other purposes.

H.R. 4351 would have provided for the withdrawal of approximately 2.9 million acres of land for the Nellis range at Nellis Air Force Base, Nevada, and 21,500 acres of land known as the "Bravo-20" Range at Fallon Naval Air Station, Nevada. The withdrawal of the lands would have been for a period of 10 years or until December 31, 1986, provided that the environmental impact statements and reports to Congress required by the legislation were received by the dates specified.

Enactment of the legislation would have provided the Air Force and the Navy with the authority needed to prevent conflicts between vital training and other missions on these lands while protecting the public and the security of certain military activities.

Hearings on H.R. 4352, as reported from the Committee on Interior and Insular Affairs, were held on July 16, 1986. The committee reported the bill on July 23, 1986. H.R. 4351 was passed in the nature of a substitute by the House of Representatives on August 12, 1986 under suspension of the rules. It was later included in the provisions of H.R. 1790 (Public Law 99-606). (See "Legislation Enacted Into Law" elsewhere in this report for additional information on Public Law 99-606.)

(H. Rept. 99-689 Part 1 (Interior) and Part 2 (Armed Services))

H.R. 4370

To amend title 10, United States Code to reorganize the Department of Defense.

H.R. 4370 would have reorganized the unified and specified commands, the defense agencies, and the military department headquarters staffs; it would also have revised the policies and procedures governing officers who serve in joint duty assignments.

The Investigations Subcommittee held hearings on DOD reorganization between February 19 and March 12, 1986. The full, identical texts of four separate bills referred to the subcommittee, H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237, were consolidated into H.R. 4370, which became the vehicle for subcommittee markup and further action by the full committee and the House. (See "Other

Activities of Subcommittees" for additional discussion of Department of Defense reorganization and "Legislation Considered But Not Reported" for descriptions of H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237.)

The Investigations Subcommittee reported H.R. 4370, as amended, on June 12, 1986, and the committee reported the bill on July 21, 1986. The text of H.R. 4370 was approved by the House with amendments on August 5, 1986 in the form of an amendment to H.R. 4428, the fiscal year 1987 Department of Defense Authorization Bill, by a vote of 406–4. Subsequently, the amended text was combined with provisions of the original text of H.R. 3622 (the House-passed JCS Reorganization Bill of 1986) and approved by the House as the House amendment to the Senate amendment to H.R. 3622, thus providing the basis for a conference with the Senate on Department of Defense reorganization legislation. H.R. 3622, as modified, subsequently became Public Law 99–433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization and "Legislation Enacted Into Law" for a description and discussion of Public Law 99–433.) (H. Rept. 99–700)

H.R. 4781

To provide for the establishment by law of the requirements for strategic and critical materials to be stockpiled in the National Defense Stockpile, and for other purposes.

H.R. 4781 would have established stockpile requirements by law; transferred the operation and management of the stockpile to the Secretary of Defense; required the Secretary of Defense to provide annual recommendations of stockpile requirements; and extended the uses of the National Defense Stockpile Transaction Fund.

The bill was reported by the Subcommittee on Seapower and Strategic and Critical Materials and referred to the full committee. The entire bill was included in H.R. 4428, the National Defense Authorization Act for fiscal year 1987, as Title II of Division C. (See Public Law 99–661 under "Legislation Enacted Into Law" for additional discussion of this subject.)

H.R. 485

Resolution of Inquiry directing the President to provide the House of Representatives certain information concerning activities of Lt. Col. Oliver North or any other member of the staff of the National Security Council in support of the Nicaraguan resistance.

H. Res. 485 would have directed the President to provide the House of Representatives with a substantial amount of documentation relative to activities of Lt. Col. Oliver North, or any other member of the staff of the National Security Council, relative to any contact with any private individual or any representative of a foreign government, concerning the provision of funding or other assistance from any source other than the U.S. government, to the Nicaraguan resistance. In addition, it would have required the provision to the House of Representatives of: (1) any document prepared by, or in the possession of, any member of the staff of the

National Security Council concerning the provision of such assistance, specifically any document or discussion or involvement in private fund-raising activities on behalf of the Nicaraguan resistance; (2) a complete list and description of any document concerning any contact or other communication since July 28, 1983 of Lieutenant Colonel North, or any other member of the staff of the National Security Council, and any member or representative of the Nicaraguan resistance; and (3) a complete list and description of any document concerning contacts, or other communication, since July 28, 1983, between Lieutenant Colonel North, or any other member of the staff of the National Security Council, and Robert W. Owen, Maj. Gen. John K. Singlaub (U.S. Army, retired) and John Hull.

The committee reported the resolution adversely by a voice vote on July 24, 1986.

(H. Rept. 99-724, Part 1 (Armed Services))

Legislation Considered But Not Reported

H.R. 272

To amend the Defense Production Act of 1950.

H.R. 272 would have amended the Defense Production Act of 1950 to prohibit any government acquisitions officer who was authorized to administer procurement contracts for an executive agency from accepting compensation from any contractor who received funds under contracts administered by such officer for two years following such officer's last day of Federal employment. H.R. 272 would have made it a felony for a contractor to offer such compensation.

H.R. 272 was jointly referred on January 3, 1985 to the Committees on Armed Services; Banking, Finance and Urban Affairs; Government Operations; and Post Office and Civil Service. The Seapower and Strategic and Critical Materials Subcommittee held a hearing on the bill April 18, 1985 and subsequently reported a clean bill, H.R. 2356. H.R. 2356 was, in turn, superseded by H.R. 2554. (Additional discussion of H.R. 2356 appears elsewhere in this section. See "Legislation Considered But Not Reported" elsewhere in this report for additional discussion of H.R. 2554).

(H.A.S.C. 99-11)

HR. 886

To amend title 10, United States Code, to ensure an orderly transition to the new educational assistance program provided under chapter 106.

H.R. 886 would have made three changes to the reserve portion of the new G.I. bill (Title VII of Public Law 98-525). First, it would have moved back the effective date from July 1, 1985, to the date of enactment of H.R. 886; second, it would have permitted attendance at non-degree-granting vocational/technical schools; and third, it would have removed the restriction limiting eligibility to those who have not attained a baccalaureate degree.

On March 19, 1985, the Subcommittee on Military Personnel and Compensation amended H.R. 752 to include the portion of H.R. 886 that would have moved back the effective date of the new reserve G.I. bill. (See "Legislation Reported but Not Enacted" for addition-

al discussion of H.R. 752.) The committee reported H.R. 752, as amended, the following day. The bill passed the House on March 25, 1985, but was not favorably considered by the Senate.

(H.A.S.C. 99-2, 99-43)

H.R. 1179

To provide for payment to persons who served during World War II as Philippine Scouts the difference between the pay of such Philippine Scouts and the pay for the same period of other members of the Armed Forces of the United States of corresponding grades and length of service and to equalize the retired pay of such persons.

H.R. 1179 would have (1) paid the Philippine Scouts (or their survivors) the difference between the pay they received during World War II and the pay they would have received if the rates of pay had been the same as other members of the Army and (2) recomputed their retired pay to the level prescribed for other members of the U.S. Army of corresponding grade and length of service.

On April 2, 1985, the Subcommittee on Military Personnel and Compensation held a hearing on H.R. 1179 but took no further action on the bill.

Section 1438 of the fiscal year 1986 Defense Authorization Act (Public Law 99-145) directs the Secretary of the Army to study and report to Congress on the disparity in pay between the Philippine Scouts during World War II and the pay received by other members of the United States Army. (See "Legislation Enacted Into Law" elsewhere in this report for additional discussion of Public Law 99-145.)

(H.A.S.C. 99-2)

H.R. 2124

To prohibit the production of lethal chemical weapons, to encourage the negotiation of an international agreement to stop the production, proliferation, and stockpiling of lethal chemical weapons, and to encourage the improvement of defense against the effects of the use of lethal chemical weapons on the Armed Forces.

H.R. 2124 would have prohibited production of lethal chemical weapons, encouraged negotiation of an international agreement on chemical weapons, and encouraged the improvement of defenses against chemical weapons effects on U.S. armed forces.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H.R. 2124 on April 29, 1986; however, no further action was taken.

H.R. 2165

To amend title 10, United States Code, to strengthen the position of chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff.

H.R. 2165 would have made the chairman of the Joint Chiefs of Staff the principal military advisor to the President, the Secretary of Defense, and the National Security Council. It also would have created a deputy chairman of the Joint Chiefs of Staff, given the chairman complete control of the Joint Staff, established the national military chain of command in law and provided that the chairman supervise the commanders of the combatant commands.

The Investigations Subcommittee held hearings on H.R. 2165 and three other Joint Chiefs of Staff reorganization bills on June 13, 19 and 26, 1985. Several provisions of H.R. 2165 were included in H.R. 3622, a clean bill reported by the Investigations Subcommittee. H.R. 3622, with modifications, subsequently became Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Joint Chiefs of Staff reorganization and "Legislation Enacted Into Law" for a description and discussion of Public Law 99-433.)

(H.A.S.C. 99-10)

H.R. 2197

To authorize the use of funds appropriated to the Navy for the expenses for the Commission on Merchant Marine and Defense, and for other purposes.

H.R. 2197 would have amended section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525) to authorize the obligation of up to $1,500,000 from funds appropriated for operations and maintenance, Navy for the expenses of the Commission on Merchant Marine and Defense. H.R. 2197 would have further amended section 1536 to extend the time for submission of reports by the Commission.

The Subcommittee on Seapower and Strategic and Critical Materials held a hearing and voted to report favorably H.R. 2197 to the full committee on April 30, 1985. H.R. 2197 was incorporated into the Department of Defense Authorization Act, 1986 (Public Law 99-145) in Section 1431. (See "Legislation Enacted Into Law" for a discussion of Public Law 99-145.)

H.R. 2265

To amend title 10, United States Code, to strengthen the position of chairman of the Joint Chiefs of Staff and to provide for more efficient and effective operation of the Joint Chiefs of Staff.

H.R. 2265 contained the provisions of the Joint Chiefs of Staff reorganization bill passed by the House in 1983 that were not enacted in the 98th Congress. The bill would have specified that the national military chain of command run from the President to the Secretary of Defense and through the chairman of the Joint Chiefs of Staff to the combatant commands. It would have strengthened the chairman of the Joint Chiefs of Staff by providing that he be the supervisor of the commanders of the combatant commands; be responsible for providing military advice in his own right to the President, the National Security Council and the Secretary of Defense; and that he be a member of the National Security Council. The bill would also have given the chairman increased control over the Joint Staff.

The Investigations Subcommittee held hearings on H.R. 2265 and three other Joint Chiefs of Staff reorganization bills on June 13, 19 and 26, 1985. Several provisions of H.R. 2265 were included in H.R. 3622, a clean bill reported by the Investigations Subcommittee. H.R. 3622, with modifications, subsequently became Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for addition-

al discussion of Joint Chiefs of Staff reorganization and "Legislation Enacted Into Law" for a description and discussion of Public Law 99-433.)

(H.A.S.C. 99-10)

H.R. 2314

To amend title 10, United States Code, to abolish the Joint Chiefs of Staff and establish a single chief of staff for the national command authorities, to establish a national military council, and for other purposes.

H.R. 2314 would have defined the national command authorities as consisting of the President and the Secretary of Defense. It would have abolished the Joint Chiefs of Staff and transferred the functions, powers, and duties of the Joint Chiefs and the chairman of the Joint Chiefs of Staff to a chief of staff of the national command authorities. The bill also would have reconstituted the Joint Staff as the joint military staff of the national command authorities.

Under this legislation, the military chain of command would have extended from the President to the Secretary of Defense through the chief of staff of the national command authorities to the commanders of the unified and specified combatant commands. Additionally, the bill would have established a national military council to (1) advise the President and the Secretary of Defense on matters pertaining to national security policy, national and military strategy, and the responsibilities of the national command authorities; and (2) make independent assessments of the manner in which national security policies and defense programs are carried out in the Department of Defense.

The Investigations Subcommittee held hearings on H.R. 2314 and three other Joint Chiefs of Staff reorganization bills on June 13, 19 and 26, 1985. The subcommittee subsequently reported H.R. 3622, a clean bill. H.R. 3622, with modifications, subsequently became Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Joint Chiefs of Staff reorganization and "Legislation Enacted Into Law" for a description and discussion of Public Law 99-433).

(H.A.S.C. 99-10)

H.R. 2356

To limit conflicts of interest in defense procurement.

H.R. 2356 would have prohibited a former officer or employee of the Department of Defense or former or retired member of the armed services from accepting compensation from a government contractor for two years following the individual's separation from government service if, during the two years preceding separation from service, such individual had significant responsibilities for a procurement function with respect to that contractor. H.R. 2356 would have also required defense contractors to include in defense contracts a provision stating that the contractor agrees not to compensate such an individual.

H.R. 2356 was referred to the committee on May 6, 1985. After holding a hearing on a similar bill, H.R. 272, the Seapower and

Strategic and Critical Materials Subcommittee reported H.R. 2356. H.R. 2356 was, in turn, superseded by H.R. 2554. (Additional discussion of H.R. 272 appears elsewhere in this section. See "Legislation Reported But Not Enacted" elsewhere in this report for additional discussion of H.R. 2554.)

(H.A.S.C. 99-11)

H.R. 2710

To amend title 10, United States Code, to strengthen the position of chairman of the Joint Chiefs of Staff and reform the operation of the Joint Chiefs of Staff.

H.R. 2710 would have made the chairman of the Joint Chiefs of Staff the head of the Joint Chiefs of Staff and the principal military advisor to the President, National Security Council, and the Secretary of Defense. The bill also would have transferred to the chairman the functions, powers, and duties now vested in the Joint Chiefs of Staff as a corporate body. The bill would have required, however, that the Joint Chiefs of Staff as a body provide joint advice to the President and the Secretary of Defense on matters with respect to which such advice was requested. Furthermore, any member of the Joint Chiefs of Staff who disagreed with the advice given by the chairman would have been given the right to submit his opinion to the Secretary of Defense and, as appropriate, to the President.

The bill would have allowed the President or Secretary of Defense to streamline the national military chain of command by specifying that it run to the commanders of the unified and specified combatant commands through the chairman of the Joint Chiefs of Staff. The bill also would have created a deputy chairman who would have been second-ranking military officer, acted for the chairman in his absence, and become the director of the Joint Staff. The terms of both the chairman and deputy chairman would have been set at four years.

With regard to the Joint Staff, the bill would have removed the existing limit of 400 officers and given the chairman complete control over the staff. Finally, the bill would have required that the chairman submit to the President his evaluation of officers nominated for advancement to three- and four-star rank.

The Investigations Subcommittee held hearings on H.R. 2710 and three other Joint Chiefs of Staff reorganization bills on June 13, 19 and 26, 1985. Several provisions of H.R. 2710 were included in H.R. 3622, a clean bill reported by the Investigations Subcommittee. H.R. 3622, with modifications, subsequently became Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Joint Chiefs of Staff reorganization and "Legislation Enacted Into Law" for a description and discussion of Public Law 99-433.)

(H.A.S.C. 99-10)

H.R. 3100

To provide for a comprehensive, bilateral and verifiable freeze between the United States and the Soviet Union on the testing, production, and deployment of nuclear weapons systems.

H.R. 3100 would have provided for a comprehensive, bilateral and verifiable freeze between the United States and the Soviet Union on the testing, production, and deployment of nuclear weapon systems.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H.R. 3100 on April 29, 1986. No further action was taken by the subcommittee.

H.R. 3442

To provide for a mutual, simultaneous, verifiable cessation of the testing of nuclear warheads effective on or before January 1, 1986, and for other purposes.

H.R. 3442 would have provided for a mutual, simultaneous and verifiable cessation of the tests of nuclear warheads effective on or before January 1, 1986.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H.R. 3442 on April 29, 1986. No further action was taken by the subcommittee.

H.R. 3743

To provide for the establishment by law of the goals for the National Defense Stockpile, and for other purposes.

H.R. 3743 would have established stockpile goals by law: transferred the operation and management of the National Defense Stockpile to the Secretary of Defense, and made appropriations for the operation of the stockpile to the Department of Defense.

The Subcommittee on Seapower and Strategic and Critical Materials considered H.R. 3743 on September 27, 1986. Various provisions of H.R. 3743 were subsequently included in the fiscal year 1987 Defense Authorization Act (Public Law 99-661). (See "Legislation Enacted Into Law" for additional discussion of Public Law 99-661.)

(H.A.S.C. 99-29)

H.R. 3798

To authorize the establishment of a Merchant Ship Revolving Fund, and for other purposes.

H.R. 3798 would have authorized the establishment of a merchant ship revolving fund for the construction in private U.S. shipyards of merchant vessels capable of serving as naval and military auxiliaries in time of war or national emergency.

The Subcommittee on Seapower and Strategic and Critical Materials held a hearing on H.R. 3798 on March 4, 1986. The subcommittee reported an amended version of another bill on a similar topic, H.R. 4136, on May 8, 1986. The subcommittee took no further action on H.R. 3798. (See "Legislation Considered But Not Report-

ed" elsewhere in this report for a discussion of H.R 4136 and another related bill, H.R. 4146.)

(H.A.S.C. 99-28)

H.R. 4014

To amend title 10, United States Code, to establish certain safcty requirements relating to transportation of members of the armed forces on chartered aircraft.

In response to the loss of 248 servicemen at Gander, Newfoundland in the crash of an Arrow Air DC-8, H.R. 4014 would have required an inspection of aircraft chartered to the Department of Defense for transportation of military personnel within 48 hours before departure. H.R. 4014 also would have authorized the Secretary of Defense to debar a firm determined to be using unsafe aircraft. The Secretary of Defense would have been required to request the Secretary of Transportation to provide a report on each inspection performed by the Federal Aviation Administration on charter aircraft firms.

H.R. 4014 was referred to the Subcommittee in Investigations, which held a series of hearings on the safety of chartered aircraft. (See "Other Activities of Subcommittees" for additional discussion of safety of chartered aircraft.) A hearing was held on H.R. 4014 and H.R. 5027 on June 26, 1986. (See "Legislation Considered But Not Reported" for further discussion of H.R. 5027.)

H.R. 5027 was amended and reported by the subcommittee on July 16, 1986. H.R. 5027 was amended in full committee on July 23, 1986 and subsequently was included in the fiscal year 1987 National Defense Authorization Bill. (See Public Law 99-661 under "Legislation Enacted Into Law".

(Committee Print 22)

H.R. 4068

To abolish the Defense Logistics Agency and the Defense Contract Audit Agency.

H.R. 4068 would have abolished the Defense Logistics Agency and the Defense Contract Audit Agency 180 days after enactment. Their functions would have been transferred to the military departments but no increase in the number of civilian personnel in each military department would have been allowed.

The Investigations Subcommittee held hearings on H.R. 4068 and four other bills requiring reorganization of elements of the Department of Defense (H.R. 4234, H.R. 4235, H.R. 4236, H.R. 4237) between February 19, 1986 and March 12, 1986. Both H.R. 4068 and H.R. 4237 addressed the organization of defense agencies. The subcommittee chose to support the less far-reaching provisions of H.R. 4237 rather than HR.. 4068. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization.)

H.R. 4136

To authorize the establishment of a military auxiliary revolving fund within the treasury of the United States, and for other purposes.

H.R. 4136 would have established a military auxiliary revolving fund within the Treasury of the United States for the corstruciton

in private shipyards in the United States of merchant vessels capable of serving as naval and military auxiliaries in time of war or national emergency.

The Subcommittee on Seapower and Strategic and Critical Materials held a hearing on H.R. 4136 on March 4, 1986. The subcommittee reported H.R. 4136 with an amendment in the nature of a substitute on May 8, 1986. The full committee voted to table H.R. 4136, as amended, on June 24, 1986. (See "Legislation Considered But Not Reported" elsewhere in this report for a discussion of two related bills, H.R. 3798 and H.R. 4146.)

(H.A.S.C. 99-28)

H.R. 4146

To authorize the establishment of a military auxiliary revolving fund within the treasury of the United States, and for other purposes.

H.R. 4146 would have established a military auxiliary revolving fund within the Treasury of the United States for the construction in private shipyards in the United States and merchant vessels capable of serving as naval and military auxiliaries in time of war or national emergency.

The Subcommittee on Seapower and Strategic and Critical Materials held a hearing on H.R. 4146 on March 4, 1986. The subcommittee reported an amended version of another bill on a similar topic, H.R. 4136, on May 8, 1986. The subcommittee took no further action on H.R. 4146. (See "Legislation Considered But Not Reported" elsewhere in this report for a discussion of H.R. 4136 and another related bill H.R. 3798.)

(H.A.S.C. 99-28)

H.R. 4180

To authorize appropriations for civil defense programs for fiscal years 1987 and 1988, and for other purposes.

H.R. 4180 would have authorized appropriations for civil defense activities for fiscal years 1987 and 1988.

The Subcommittee on Military Installations and Facilities held a hearing on this legislation on February 27, 1986. The provisions of H.R. 4180 were subsequently incorporated as Division C, Title III, into H.R. 4428, the National Defense Authorization Act for fiscal year 1987, Public Law 99-661. (See "Legislation Enacted Into Law" elsewhere in this report for additional discussion.)

(H.A.S.C. 99-41)

H.R. 4181

To authorize certain construction at military installations for fiscal year 1987 and for other purposes.

H.R. 4181 would have authorized military construction and family housing for fiscal year 1987 for the active forces and reserve components.

The Subcommittee on Military Installations and Facilities held hearings on H.R. 4180 on February 26; March 4, 5, 6, 7, 12, and 13, 1986. The provisions of H.R. 4181 were subsequently incorporated as Division B in H.R. 4428, the National Defense Authorization Act

for fiscal year 1987, Public Law 99-661. (See "Legislation Enacted Into Law" elsewhere in this report for additional discussion.)
(H.A.S.C. 99-42)

H.R. 4234

To amend title 10, United States Code, to improve the capability of the Armed Forces to carry out assigned missions by providing greater authority to the commanders of the unified and specified combatant commands to carry out their assigned responsibilities, and for other purposes.

H.R. 4234 would have strengthened the commanders-in-chief of the unified and specified combatant commands (the "CINCs") and improved the organization of those commands. It would, inter alia, have given the CINCs full command over subordinate forces (vice "operational command"); provided the CINCs with an operations budget and otherwise increased their influence on the allocation of defense resources; allowed the Secretary of Defense to assign responsibility for support and administration to the CINCs; mandated CINC participation in the selection of their subordinates; given the CINCs court martial jurisdication; established a Joint Commanders Council consisting of the chairman of the Joint Chiefs of Staff and the CINCs; made the JCS chairman the CINCs' supervisor as well as their spokesman at the Seat of Government; provided for establishment of special combatant commands (in certain circumstances) by the Secretary of Defense; required periodic review of the overall structure of the combatant commands; and required that all forces be assigned to unified and specified commands, with certain exceptions.)

The Investigations Subcommittee held 14 hearings on H.R. 4234 and four other bills, each of which would have required reorganization of a portion of the Department of Defense (H.R. 4068, H.R. 4235, H.R. 4236 and H.R. 4237), between February 19, 1986 and March 12, 1986. The full identical texts of H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237 were consolidated into a clean bill, H.R. 4370. The latter bill became the vehicle for subcommittee markup and further action by the committee and the House. The text of H.R. 4370, with modifications, subsequently became part of Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization, "Legislation Reported but not Enacted" for a discussion of H.R. 4370 and "Legislation Enacted Into Law" for a discussion of Public Law 99-433.)

H.R. 4235

To amend title 10, United States Code, to establish military officer personnel policies that promote and encourage improved performance of joint functions.

H.R. 4235 would have required the Secretary of Defense to establish a "joint subspecialty" as a secondary occupational specialty for selected military officers. The bill would have established policies, procedures, or requirements for the number, selection, assignments, promotions, education, and career monitoring of joint subspecialists and, to some extent, other officers serving in joint assignments. It would also have provided a role for the chairman of

the Joint Chiefs of Staff in recommending officers for promotion and would have required that promotion selection boards, in most cases, include at least one officer who was serving in a joint assignment. The bill also would have required a joint duty assignment as a prerequisite for promotion to general or flag rank; established the required length of a joint duty assignment; required that commanders of unified and specified combatant commands possess the joint specialty; and required that the chairman of the Joint Chiefs of Staff have served as a unified or specified commander.

The Investigations Subcommittee held 14 hearings on H.R. 4235 and four other bills, each of which would have required reorganization of a portion of the Department of Defense (H.R. 4068, H.R. 4234, H.R. 4236 and H.R. 4237), between February 19, 1986 and March 12, 1986. The full identical texts of H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237 were consolidated into a clean bill, H.R. 4370. The latter bill became the vehicle for subcommittee markup and further action by the committee and the House. The text of H.R. 4370, with modifications, subsequently became part of Public Law 99–433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization, "Legislation Reported but not Enacted" for a discussion of H.R. 4370 and "Legislation Enacted Into Law" for a discussion of Public Law 99–433.)

H.R. 4236

To revise, reform, and standardize the organization of the executive part of the military departments, and for other purposes.

H.R. 4236 would have required the Secretary of Defense to combine the existing separate civilian secretariat and military service headquarters staffs into a single headquarters staff for each military department. The bill would have provided several guidelines for the Secretary of Defense to follow, including a requirement for a 15 percent reduction in the size of the staffs; otherwise, the Secretary of Defense would have been delegated authority to effect the military department reorganization as he saw fit.

The Investigations Subcommittee held 14 hearings on H.R. 4236 and four other bills, each of which would have required reorganization of a portion of the Department of Defense (H.R. 4068, H.R. 4234, H.R. 4235 and H.R. 4237), between February 19, 1986 and March 12, 1986. The full identical texts of H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237, were consolidated into a clean bill, H.R. 4370. The latter bill became the vehicle for subcommittee markup and further action by the committee and the House. The text of H.R. 4370, with modifications, subsequently became part of Public Law 99–433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization, "Legislation Reported but not Enacted" for a discussion of H.R. 4370 and "Legislation Enacted Into Law" for a discussion of Public Law 99–433.)

(H.A.S.C. 99–10)

H.R. 4237

To amend title 10, United States Code, to improve oversight of the defense agencies, particularly those agencies that support operating forces, and to require a report to Congress analyzing the functions and organizational structure of the defense agencies.

H.R. 4237 would have continued the authority of the Secretary of Defense to create a defense agency when he determined that such an agency would have more effectively, economically, or efficiently provided a supply or service activity common to more than one military department. The bill, however, would have required periodic review to ensure that the rationale for the establishment of each agency continued to apply. Moreover, the legislation would have required that the initial review consisted of a fundamental reappraisal of the functions and organizational structure of the defense agencies.

The bill would also have required the chairman of the Joint Chiefs of Staff to submit periodic reports to the Secretary of Defense on certain defense agencies that are assigned support and service responsibilities for the combatant commands. The chairman's report would have included a determination of the responsiveness and readiness of each agency to support operating forces in the event of war. The chairman would also have been required to provide for the participation of the those agencies assigned combat support missions in joint training exercises, to assess their performance in those exercises, and, in accordance with guidelines established by the Secretary of Defense, to provide for any changes the chairman considered appropriate to improve agency performance. Also, the chairman would have been required to develop a uniform readiness reporting system for combat support agencies.

The Investigations Subcommittee held 14 hearings on H.R. 4237 and four other bills, each of which would have required reorganization of a portion of the Department of Defense (H.R. 4068, H.R. 4234, H.R. 4235 and H.R. 4236), between February 19, 1986 and March 12, 1986. The full identical texts of H.R. 4234, H.R. 4235, H.R. 4236, and H.R. 4237 were consolidated into a clean bill, H.R. 4370. The latter bill became the vehicle for subcommittee markup and further action by the committee and the House. The text of H.R. 4370, with modifications, subsequently became part of Public Law 99-433, the Goldwater-Nichols Department of Defense Reorganization Act of 1986. (See "Other Activities of Subcommittees" for additional discussion of Department of Defense reorganization, "Legislation Reported but not Enacted" for a discussion of H.R. 4370 and "Legislation Enacted Into Law" for a discussion of Public Law 99-433.)

H.R. 4542

To prohibit the obligation or expenditure of funds appropriated to the Department of Defense or the Department of Energy for the development, explosive testing, or production of strategic defense systems incorporating nuclear explosive devices.

H.R. 4542 would have prohibited the obligation or expenditure of funds by the Department of Defense or Department of Energy for the development, explosive testing, or production of strategic defense systems incorporating nuclear explosive devices.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H.R. 4542 on April 29, 1986. No further action was taken by the subcommittee.

H.R. 4859

To enhance the value of the Naval Petroleum Reserve by improving the production and pricing mechanisms applicable to such reserves.

H.R. 4859 would have amended section 7422(c), title 10, United States Code, by authorizing the President to establish a production rate at the Naval Petroleum Reserves which is less than the maximum efficient rate, if he determined that it would be in the interest of national energy policy. H.R. 4859 also would have: (1) amended section 7430 of title 10, United States Code, by directing the Secretary of Energy to establish a minimum price for the sale of the U.S. share of petroleum produced at the Naval Petroleum Reserves, at an amount not less than the prevailing local market price; (2) repealed section 7430(c) of title 10, United States Code, which prohibits the sale of more than 20 percent of the U.S. share of production to any one person; and (3) authorized the President to exempt from any import restriction the U.S. share of production at the Naval Petroleum Reserves. Finally, the bill would have authorized the secretary to establish the maximum efficient rate of production at Naval Petroleum Reserve No. 1 after consultation with the private owner. During any period when production at Naval Petroleum Reserve No. 1 is fixed at a rate less than the maximum efficient rate, the bill would have authorized the private owner to receive from the production at each reservoir in the reserve the amount of petroleum it would have received if the reservior had been produced at the maximum efficient rate.

The Investigations Subcommittee held a hearing on H.R. 4843 and H.R. 4859 on July 30, 1986. On August 1, 1986 the Investigation Subcommittee, by a roll call vote of 7 to 0, agreed to report H.R. 4843 as amended, in lieu of H.R. 4859.

(H.A.S.C. 99-34)

H.R. 5027

To amend title 10, United States Code, to establish certain requirements with respect to air carriers contracting with the Department of Defense for charter air transportation of members of the armed forces, and for other purposes.

In response to the tragic loss of 248 servicemen at Gander, Newfoundland in the crash of a DC-8 aircraft, H.R. 5027 would have required, before entering into a passenger-charter contract, the Secretary of Defense to determine that the carrier meets Federal Aviation Administration (FAA) safety standards, has 12 months' operating experience, and has undergone a technical safety evaluation that includes inspection of a representative number of aircraft.

The bill also would have required periodic inspections. These inspections would have required, at a minimum, an onsite capability survey at least every two years, a performance evaluation at least every six months, unannounced ramp inspections, and periodic operational check rides.

H.R. 5027 also would have established a Commercial Airlift Review Board to make recommendations to the Secretary of Defense on the suspension, reinstatement, and waivers of air carriers in the event of an emergency. The bill would have required suspensions if a carrier had been involved in a fatal accident and could have required suspension if a carrier had been found in violation of an order, rule, regulation, or standard of the FAA, or had been involved in a serious accident.

The bill also would have established a procedure for the exchange of information between the Secretary of Transportation and the Secretary of Defense on each FAA inspection and corrective actions taken.

The Investigations Subcommittee held hearings on the Gander air crash on February 5 and 6 and March 6 (see "Other Activities of Subcommittees" for additional discussion of safety of chartered aircraft). The subcommittee held a hearing on H.R. 4014 and H.R. 5027 on June 26, 1986 and reported H.R. 5027 to the committee on July 16, 1986.

H.R. 5027 was subsequently amended by the committee and was included in the fiscal year 1987 National Defense Authorization Bill. (See Public Law 99-661 under "Legislation Enacted Into Law."

(Committee Print 22)

H.R. 5109

To establish a National Special Operations Agency within the Department of Defense to have unified responsibility for all special operations forces and activities within the Department.

H.R. 5109 would have placed all special operations forces of the military departments under the control of a separate National Special Operations Agency reporting to the Secretary of Defense.

The bill was referred to the committee on June 26, 1986, discharged by unanimous consent on September 16, 1986 and passed as amended by the House of Representatives on September 16, 1986. On September 22, 1986 the bill was referred to the Senate Committee on Armed Services but was not reported by the Senate Committee.

H.R. 5109, with modifications, was then adopted as a general provision, Sec. 1011, of the National Defense Authorization Act of 1987, H.R. 4428, with companion general provision, Sec. 1012, regarding special operations airlift readiness. These provisions were enacted as Sections 1311 and 1312, respectively, of S. 2638, the National Defense Authorization Act for fiscal year 1987 (Public Law 99-661). See "Legislation Enacted Into Law" for additional discussion of Public Law 99-661.

H. CON. RES. 35

Supporting the President's commitment to arms control policies, understandings, and agreements leading to genuine, lasting reductions in nuclear weapons and their delivery systems and the ultimate elimination of such weapons from the world's arsenals.

H. Con. Res. 35 would have expressed the support of the Congress for the President's commitment to certain arms control policies and proposals and the support of the Congress for the President in the negotiation of new arms control agreements and the pursuit of new arms control understandings with the Soviet Union.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H. Con. Res. 35 on April 29, 1986. No further action was taken by the subcommittee.

H. J. RES. 272

Expressing the sense of the Congress that a complete cessation of nuclear test explosions must be related to the ability of the United States to maintain credible deterrent forces and that any test ban agreement must be verifiable and must be made in the context of deep and verifiable arms reductions.

H.J. Res. 272 would have expressed the sense of the Congress that a cessation of U.S. nuclear testing must be related to the maintenance of credible nuclear deterrent forces and that any test ban agreement must be verifiable and in the context of deep and verifiable arms reductions.

The Arms Control and Disarmament Panel of the Subcommittee on Procurement and Military Nuclear Systems held a hearing on H.J. Res. 272 on April 29, 1986. No further action was taken by the subcommittee.

OTHER ACTIVITIES OF THE FULL COMMITTEE

Reports to the Budget Committee

FISCAL YEAR 1986

On March 15, 1985 the committee submitted a report to the Budget Committee setting out it's views regarding the budget for National Defense for fiscal year 1986. The committee noted that the President's budget request was below the budget figures for National Defense that had been agreed to by the Congress in the fiscal year 1985 budget resolution, but that if the budget resolution figures were adjusted to reflect the inflation estimates underlying the budget, the budget request was approximately equal to the budget resolution.

The committee emphasized its belief that stability in the planning of budgets for National Defense is necessary to avoid inefficiencies in the operation of the Department of Defense. The committee noted that the NATO allies in 1977 made a commitment to 3 percent annual growth in defense allocations as a reasonable and responsible goal and expressed the view that the Budget Committee should keep the NATO goal and its foreign policy implications in mind along with efficiency as it deliberates on a suitable level for National Defense.

The committee noted that the President's budget request assumed a 3 percent pay raise for military personnel effective on July 1, 1985 and a further 4 percent raise effective on January 1, 1986. The committee stated that it did not anticipate reporting legislation for a further pay raise for military personnel during fiscal year 1985, but that a pay raise in fiscal year 1986 may be necessary in order to avoid adverse effects on recruiting and retention of personnel. The committee also noted that the President's budget assumed a 5 percent pay reduction for civilian personnel and that should that reduction not be achieved, the cost of the defense function would increase by $900 million.

Finally, the committee urged that the Budget Committee ensure that the outlay target included in the Budget Resolution reflect that reductions made in the authorization and appropriations process are generally greatest in the procurement, research and development and construction accounts.

FISCAL YEAR 1987

On February 25, 1986 the committee submitted a report to the Budget Committee setting out its views regarding the budget for National Defense for fiscal year 1987. The committee noted that as a result of the Gramm-Rudman legislation, the budget was submitted later than usual and the report to the Budget Committee was

earlier than in previous years, and as a result, the committee's comments could only be of a most general and preliminary nature.

The committee noted that there was a significant discrepancy in estimates prepared by the Congressionl Budget Office and those contained in the President's budget of outlays for the defense function for fiscal year 1987.

The committee also noted that the passage of the Gramm-Rudman deficit reduction legislation introduced very substantial uncertainty and instability into the budget process, including the budget for defense, and emphasized the importance of stability in the planning for national defense if defense programs are to be efficiently carried out.

The committee advised the budget committee that action to approve two budget proposals—a proposal to sell materials from the National Strategic Stockpile valued at $250 million, and a proposal to repeal the G.I. bill for an assumed savings of $231 million—was unlikely.

Immunity From Prosecution of P. Takis Veliotis

P. Takis Veliotis was general manager of two General Dynamics Corporation shipyards—the Quincy Shipyard from 1973 to 1977 and the Electric Boat Division from 1977 to 1980. He was executive vice president of General Dynamics Corporation and a member of the board of Directors from 1980 to 1982. In 1983 Mr. Veliotis and several other persons were indicted in federal court in New York City on a charge of fraud against the government, stemming from activities while he was general manager of the Quincy Shipyard. At the time of the indictment, Mr. Veliotis was in his native Greece. He did not return to the United States when he was indicted nor has he returned since that time. Consequently, he is a fugitive from justice in the United States and subject to arrest if he enters this country.

After his indictment, Mr. Veliotis made several allegations against General Dynamics Corporation. Among his allegations were: (1) that the Electric Boat bid for the second flight of SSN-688 attack submarines was a buy-in and that the company expected to recoup its losses through contract claims; (2) that the shipbuilding claims filed by Electric Boat and settled by the Navy in 1978, pursuant to Public Law 85-804, were fraudulent; (3) that photographs of a Trident submarine, published in October 1982 in a "General Dynamics Third Quarter Strategic Review," were a breach of security; and (4) that General Dynamics Corporation, in an application for a security clearance for Lester Crown, a director of the corporation, failed to disclose his earlier involvement in a criminal proceeding.

In March 1985, at a joint meeting of the Investigations Subcommittee and the Seapower and Strategic and Critical Materials Subcommitee, the subcommittee chairmen announced that staff personnel would interview Mr. Veliotis concerning his allegations. During several days of interviews at his residence in Athens, Mr. Veliotis repeated his allegations and claimed to have tapes and documents that supported his allegations. He failed to produce these documents and tapes, however. He agreed to testify in a joint meet-

ing of the subcommitees, if (1) he were granted immunity from criminal prosecution; (2) he were not questioned about his pending criminal indictment; and (3) the hearings were held in Athens.

The procedure for granting immunity from criminal prosecution for testimony in congressional proceedings is contained in Section 6005, Title 18, United States Code. Subsection (b)(2) of that section provides that, before a United States district court can issue an order requiring a person to testify, the request for such order must be approved by an affirmative vote of two-thirds of the committee membership. On June 13, 1985, a motion by the chairman of the Investigations Subcommittee for a request for the district court to issue an order directing Mr. Veliotis to testify under a grant of immunity from criminal prosecution was made. Although the vote was 19 in favor of the motion with 12 opposed and one member voting present, the motion failed because two-thirds of the membership did not support it.

Strategic Defense Initiative

Strategic Defense Initiative (SDI) is a research effort designed to explore the feasibility of developing and deploying comprehensive defenses against ballistic missiles. Because of its potential for far-reaching effects on U.S. security, the committee has paid particularly close attention to this research effort. In fulfilling its oversight responsibilities in this area, the committee received testimony on June 6, 1985 from John Gardner, the Director of the Systems Division, Strategic Defense Initiative Organization. In his testimony, Mr. Gardner presented a series of briefing charts that decribed SDI from a technical viewpoint, as well as some of the key features of the program from a military and strategic perspective. His briefing also included some remarks on the programmatic status of the SDI effort.

Alternative Budget Strategies

On March 18, 1986 the committee met to be briefed by the staff on the implications of the Gramm-Rudman budget balancing legislation on the fiscal year 1987 defense budget.

The briefing described the defense budget reductions, from the fiscal year 1987 request, that could be required if sequestration were to take effect at the beginning of fiscal year 1987 because the Congress had failed to pass a budget meeting the deficit requirements imposed by Gramm-Rudman. The briefing was built around reductions of $49 billion in budget authority and $31 billion in outlays, which the Congressional Budget Office had estimated could be required under a sequester order. The briefing described the effect of such a reduction if implemented under the mechanistic procedures provided in Gramm-Rudman.

The briefing also described a number of policy options that could be considered for making budget reductions to avoid a sequester. The briefing demonstrated that reductions of the magnitude that could be required under a sequester could only be accommodated by a basic change in our defense strategy and large reductions in forces.

Military Operations Involving Libya

The committee met on two occasions to receive classified briefings on U.S. military operations involving Libya. The first briefing, held on April 23, 1986, concerned both the April 15, 1986 bombing raid against Libyan targets and the U.S. Freedom of Navigation exercise conducted in the Gulf of Sidra during March 25 and 25, 1986. Briefing the committee were Rear Admiral David Rogers, USN, Deputy Director for Operations, Organization of the Joint Chiefs of Staff; and Rear Admiral David Jeremiah, USN, Commander, Cruiser-Destroyer Group Eight.

The second briefing dealt further with the April 15, 1986 bombing raid. Briefing the committee were Commander Robin Y. Weber, USN and Lieutenant Colonel Arnold L. Franklin, Jr., USAF.

Acquisition and Procurement Policy Panel

"Horror" stories about overpriced spare parts, weapons program deficiencies, and cost and schedule delays for major defense procurements created a crisis of confidence on the part of the American public. The effectiveness of the Department of Defense and the military services to manage and maintain a credible military acquisition process became the focus of countless Defense Department and Administration investigations, including the President's Blue Ribbon Commission on Defense Management (Packard Commission), and generated considerable investigative and legislative activity on the part of Congress. Although specific legislative actions were taken to remedy particular aspects of the acquisition cycle, the cumulative effective was a regulatory environment that was confused, tentative and contradictory.

In response to these problems, a full committee panel on acquisition and procurement policy was appointed. The panel was established to examine the acquisition and procurement policies and practices of the Department of Defense and the military services and to review acquisition-related initiatives, to study alternatives and to work toward an integrated program for procurement reform.

The panel sought to receive a variety of viewpoints and opinions through its hearings. Witnesses from the Department of Defense, the Packard Commission, the Military Reform Caucus, academia and industry were offered the opportunity to participate in the panel's hearings.

The panel concentrated its hearings on those acquisition issues that were likely to be discussed in conjunction with the consideration of the fiscal year 1987 Defense Authorization bill, particularly the recommendations of the Packard Commission.

Among the specific issues the panel considered were the following:

(1) Policies governing the management and oversight of highly classified, special access security programs;

(2) Baselining as a management tool for establishing greater stability in program management;

(3) Work measurement legislation adopted in 1985;

(4) Department of Defense internal management improvements;

(5) Streamlining and deregulation of certain acquisition activities;

(6) Department of Defense policies for forecasting inflation in major weapons procurement;

(7) Amendments to the Truth in Negotiations Act;

(8) Competition in the Department of Defense acquisition process; and

(9) Use of undefinitized or unpriced contractual actions.

After review and analysis, the committee determined that further legislative action was necessary. Consequently, the committee included in the Department of Defense Authorization Act for 1987 numerous legislative procurement practices and additional provisions were included in the bill during floor consideration. (For a more detailed discussion of these provisions, see "Legislation Enacted Into Law," Public Law 99-661, Title IX.)

Environmental Restoration Panel

The Environmental Restoration Panel, a panel of the full committee, was appointed on July 29, 1985, to review the Department of Defense Environmental Restoration Program, to make recommendations on streamlining the program and to ensure compliance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)—commonly known as the "Superfund Act." the immediate task of the panel was to review H.R. 1940, a bill that would clarify Department of Defense responsibilities under CERCLA. The panel reviewed this legislation because the bill raised funding and policy issues falling under the jurisdiction of at least four subcommittees.

Shortly after the panel was appointed, the Committee on Energy and Commerce reported H.R. 2817, the Superfund Amendments of 1985. In addition to reauthorizing the Superfund program, H.R. 2817 specifically addressed cleanups of toxic waste sites at federal facilities for the first time. This development affected the panel's focus and approach in two respects. First, H.R. 2817 provided a convenient and appropriate legislative vehicle for the provisions contained in H.R. 1940. Second, the nature and impact of the federal facilities provisions contained in H.R. 2817 raised a host of new policy issues ot be addressed by the panel.

Consequently, the panel agreed to explore the feasibility of developing amendments to H.R. 2817 that would incorporate its recommendations with regard to environmental restoration, along with recommended changes to the federal facilities provisions. On September 26, the panel received testimony from Department of Defense and Environmental Protection Agency witnesses, along with interested members of Congress. finally, on October 10, the panel unanimously approved an amendment to H.R. 2817 to be offered by the panel chairman, Mr. McCurdy.

On October 24, the panel reported its activities and recommendations to the full committee and solicited support for the McCurdy amendment.

Thereafter, the panel entered into extensive negotiations with the Committees on Energy and Commerce and Public Works and Transportation, along with other interested parties, to secure the

adoption of the McCurdy amendment or the incorporation of its provisions in a compromise package.

The degree and nature of state participation in toxic waste site cleanups at federal facilities was the most difficult and complicated issue with which the panel dealt. While the panel recognized the need for full and meaningful state participation in the devleopment and selection of remedial action, including the presumption of state standards, it opposed the imposition of state permit requirements that would represent an absolute state veto on cleanup actions at federal facilities. The panel also strongly supported the requirement for reasonable federal review of state standards in the selection of remedial action by the Administrator of the Environmental Protection Agency.

After reviewing the panel's work and concerns, the Energy and Commerce and Public Works and Transportation Committees agreed to incorporate most of the panel's recommendations in substitute legislation that was considered and passed by the House on December 10, 1985.

On February 6, 1986, Mr. McCurdy and Mr. Martin were appointed as additional conferees for the consideration of section 211, Department of Defense environmental restoration program during deliberations of the House/Senate Conference Committee on H.R. 2005. The conferees agreed to the House version with minor modification and section 211 was incorporated as part of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) that was enacted on October 17, 1986.

The panel is convinced that there are no textbook solutions to the complex and difficult issue of cleaning up toxic waste sites at federal facilities. Because circumstances and conditions differ from site to site, the panel believes that the most responsible and effective solutions can only be reached through good faith negotiations by all parties. Dictated solutions or one party vetoes inconsistent with this process run the risk of remedial action that may not be environmentally sound or fiscally responsible.

Defense Policy Panel

The Defense Policy Panel, a panel of the full committee, was appointed in February 1985 to examine broad national defense policy and strategy issues.

A number of witnesses from a wide variety of sources assisted the panel in gaining a more detailed understanding of a variety of complex issues. The witnesses came from various agencies of the Executive Branch as well as from the business and education communities. During the first session of the 99th Congress, the panel conducted four different series of hearings addressing the following topics: the MX Missile and the Strategic Defense Initiative, antisatellite weapons, strategies for avoiding nuclear war, and what the country has obtained for the trillion dollars spent on defense during the past four years. During the second session, the panel conducted hearings on strategic forces and arms control, anti-tactical ballistic missiles, SALT and the implications of the summit meeting in Iceland in October 1986.

MX MISSILE AND STRATEGIC DEFENSE INITIATIVE

On February 27, 28, March 12, 13, 14, and 20, the panel conducted hearings on the MX missile and the Strategic Defense Initiative (SDI). The hearings addressed how these programs in the fiscal year 1986 budget relate to overall military requirements and arms control negotiations.

Witnesses reflecting a wide range of views and backgrounds appeared before the panel: Gen. Bennie L. Davis, Commander in Chief, Strategic Air Command; Lt. Gen. James A. Abrahamson, Director of SDI Organization; Hon. Harold Brown, Former Secretary of Defense; Gen. Brent Scowcroft, Former Advisor to the President for National Security; Hon. James Schlesinger, Former Secretary of Defense; Mr. Arkady N. Shevchenko, Former Aide to Soviet Foreign Minister Andrei Gromyko; Hon. Caspar W. Weinberger, Secretary of Defense; Ambassador Paul H. Nitze, Special Advisor to the Secretary of State for Arms Reduction Negotiations; Hon. William E. Colby, Former Director of the Central Intelligence Agency; Dr. Robin Laird, Strategic Forces and Resources Division, the Institute for Defense Analyses; Dr. Dimitri K. Simes, Soviet Foreign Policy, Carnegie Endowment for International Peace; Dr. Marshall D. Shulman, Director, W. Averell Harriman, Institute for Advanced Study of the Soviet Union, Columbia University; Dr. Edward L. Warner III, Rand Corporation; Ambassador Louis Fields, Former U.S. Representative to the Conference on Disarmament; Ambassador Raymond L. Garthoff, Former Member of SALT I Delegation; and Mr. Helmut Sonnenfeldt, Former Counselor to the Department of State.

The hearings formed the basis of the panel's recommendation to the full committee to report favorably on the resolution (H.J. Res. 180) approving the obligation of funds made available for the procurement of MX missiles by Public Law 98-473 (Defense Appropriations Act, 1985).

(H.A.S.C. 99-14)

ANTISATELLITE DEFENSE WEAPONS

The Defense Policy Panel also considered a number of questions related to antisatellite defense weapons. The panel's principal concerns were whether a vertifiable antisatellite weapons arms control arrangement in the U.S. national interest exists and, in particular, whether the United States should pursue a moritorium on the testing of antisatellite weapons against objects in space as long as the Soviets reciprocate.

In reviewing these matters, the Defense Policy Panel conducted a series of briefings on September 12 and 18, 1985. At the first session, the following briefers from outside the administration gave their views:

—Dr. Peter Sharfman, Office of Technology Assessment, who presented an analysis of options related to antisatellite weapons and arms control, based on a soon-to-be-released study by his organization;

—The Honorable Jonathan Dean, Union of Concerned Scientists, who addressed the international political and diplomatic aspects of antisatellite weapons and arms control; and

—Mr. John Pike, Federation of American Scientists, who reviewed the security and technical aspects incorporating antisatellite weapons into an arms control regime.

The following administration witnesses testified during the second session:

—Kenneth Aldeman, Director of the Arms Control and Disarmament Agency, who addressed the feasibility of arms control regimes involving antisatellite weapons that are verifiable and in the national interest; and

—The Honorable Edward C. Aldridge, Jr., Under Secretary of the Air Force, who outlined the status of the current U.S. antisatellite weapons program, as well as technical aspects related to possible arms control approaches involving antisatellite weapons.

AVOIDING NUCLEAR WAR

On June 11, the panel conducted a hearing on the causes of nuclear war and on policy actions that might be taken to reduce the possibility that a nuclear war might occur or escalate. In an effort to highlight those areas of policy on which mutual agreement exists and to create a framework within which to discuss those areas on which disagreement exists, the following witnesses provided testimony and discussion: Dr. Graham T. Allison, Dean, Dr. Albert Carnesale, Academic Dean, and Dr. Joseph S. Nye, Jr., professor of government and public policy, Harvard University's John F. Kennedy School of Government; Dr. Jeremy J. Stone, Director, Federation of American Scientists; and Gen. Brent Scowcroft, former National Security Advisor.

(H.A.S.C. 99–15)

WHAT HAVE WE GOT FOR A TRILLION DOLLARS

The Defense Policy Panel also held hearings to review the Administration's defense buildup of the last four years and to ask the question, "What have we got for a trillion dollars?" Witnesses included Rudolph G. Penner and Robert F. Hale, Congressional Budget Office; John Collins, Congressional Research Service, and a panel comprised of Graham T. Allison, Dean, John F. Kennedy School of Government at Harvard University; Rear Admiral Gene R. LaRocque, Director, Center for Defense Information; and Edward M. Luttwak, Senior Fellow, Center for Strategic and International Studies at Georgetown University.

STRATEGIC FORCES AND ARMS CONTROL

On May 20, 1986 the panel met in open session to receive testimony on strategic forces and arms control with a special focus an strategic force modernization. Of particular interest was the relationship between U.S. plans to deploy a small mobile ICBM (Midgetman) and the apparent contradiction between this program and U.S. arms control policy, which proposed to ban all mobile ICBMs. The Honorable Donald A. Hicks, Undersecretary for Research and Engineering, provided testimony and discussion on this issue.

U.S. PLANS FOR ANTI-TACTICAL BALLISTIC MISSILES

The Defense Policy Panel held hearings on June 4 to receive testimony on U.S. plans for anti-tactical ballistic missiles and the threat that these systems will be designed to counter. Witnesses for this discussion were Lieutenant General James A. Abrahamson, Director, Strategic Defense Initiative Organization; Lieutenant General John F. Wall, Commanding General, U.S. Army Strategic Defense Command; and the Honorable Fred C. Ikle, Undersecretary of Defense for Policy. In addition, the Panel met in closed session to receive a compartmented classified briefing from representatives of the CIA regarding the Soviet threat that U.S. anti-tactical ballistic missiles would be designed to counter.

U.S. POLICY RELATING TO SALT

On June 5, the Defense Policy Panel met in open session to discuss U.S. policy related to the SALT agreements and potential U.S. responses to possible Soviet violations of these agreements. Richard N. Perle, Assistant Secretary of Defense for International Security Policy, presented testimony and responded to questions on this issue from members of the Panel.

IMPLICATIONS OF THE SUMMIT AT REYKJAVIK, ICELAND

During the second session of the 99th Congress, the Defense Policy Panel also conducted a series of hearings related to the implications of the meeting on October 11 and 12, 1986 at Reykjavik, Iceland between the President and General Secretary Gorbachev. The focus of the hearings was on the underlying process supporting the discussions and on the military and international implications of the positions taken by each side at the meeting.

The witnesses included Richard Perle, Assistant Secretary of Defense for International Security Policy; Kenneth Adelman, Director of the Arms Control and Disarmament Agency; Admiral William Crowe, Chairman of the Joint Chiefs of Staff; Ambassador Paul Nitze, Special Assistant to the President on Arms Control; Honorable James Schlesinger, former Secretary of Defense; a panel of former negotiators (Ambassador Paul Warnke, Ambassador Raymond L. Garthoff, Ambassador Gerard Smith, Ambassador Louis Fields and Mr. Helmut Sonnenfeldt); Professor Albert Carnesale and Mr. Richard Haass, authors of the study "Learning from Experience with Arms Control"; members of the Scowcroft Commission (General Brent Scowcroft, Mr. James Woolsey, and Professor John Deutch); and General Bernard Rogers, Supreme Allied Commander, Europe.

(H.A.S.C. 99-48)

GRACE COMMISSION PANEL

The 10-member Grace Commission Panel, appointed on March 11, 1985, began hearings in December, 1985, on the recommendations made by the President's Private Sector Survey on Cost Control (PPSSCC), commonly known as the Grace Commission. Of the almost 2,500 recommendations made by the Grace Commission, more than 350 fall within the juristification of the committee.

The panel initiated its work by reviewing more than 100 recommendations dealing with acquisition reform. Witnesses at panel hearings included J. Peter Grace, Chairman, Grace Commission; George Sylvester, retired Air Force lieutenant general and independent consultant; Frank C. Conahan, General Accounting Office; and Alton "Rick" Berquist, chief executive officer of Marmen Computing Corp.

Delegation Visits

LATIN AMERICA

A delegation composed of seven members from the House Armed Services Committee and two other committees of the House of Representatives visited Latin America during the period of April 5 through April 12, 1985, to review security-related matters and to observe the participation of U.S. Army National Guard units in military and engineering exercises in Central America. The delegation visited Venezuela, Ecuador, Panama, Costa Rica, Honduras, El Salvador, and Belize. The delegation also visited the Air National Guard Training Site and and the Army Aviation Classification Activity Repair Depot during a refueling stop in Gulfport, MS.

During the trip, the delegation met with high-level host nation military and civilian officials, and with U.S. ambassadors and embassy personnel to discuss bilateral and multilaterial issues. One of the highlights of the trip was a meeting with President Jose Napolean Duarte of El Salvador.

The members of the delegation agreed that their visit to these strategically important countries provided an opportunity to review first hand the nature and the magnitude of the security threats to the region, to learn the internal economic and political factors that influence individual countries, and to better understand U.S. political and economic strategies designed to promote stability and security in the Western Hemisphere.

(Committee Print 5)

ITALY, TURKEY, AND FRANCE

A delegation of 12 members visited Italy, Turkey, and France during the period May 23 to June 4, 1985. The delegation included one member who serves on the Merchant Marine and Fisheries and Public Works and Transportation Committees.

The purpose of the delegation visit was to visit U.S. military installations in Italy and Sixth Fleet ships in the Mediterranean area.

In Turkey, the delegation met with Turkish government and military leaders and visited U.S. and Turkish military installations. The discussions with Turkish government officials focused on the then pending genocide resolution, the prospects for greater cooperation within the NATO alliance, air defense, increased allied support for NATO, the readiness status of U.S. troops committed to NATO, the improvement of NATO's convential arms, the response to the Soviet Warsaw Pact threat, and the ability of the United States to meet its commitments to NATO.

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In France, the delegation met with senior officials of the French Ministry of Defense to discuss the European perspective on the Strategic Defense Initiative and the capabilities of the French armed forces. Additionally, the delegation visited the Paris Air Show Exposition to examine the latest European developments in armaments, aircraft sensors, and avionics equipment, and to observe demonstrations of U.S. and European aircraft.

The following is a list of the primary officials with whom the delegation met:

Italy—Vice Admiral Frank Kelso, USN, Commander, U.S. Sixth Fleet;

Turkey—Prime Minister Turgut Ozal; U.S. Ambassador Robert Strausz-Hupe; Minister of Foreign Affairs, Vahit Halefoglu; Minister of Defense, Zeki Yavuzturk; and

France—Henri Conze, Deputy Director International Affairs, French Embassy.

NORTH AFRICA, IBERIA, AND YUGOSLAVIA

A delegation of ten committee members visited North Africa, Iberia and Yugoslavia during the period August 2-16, 1985. The delegation met with senior foreign and United States Government and defense officials in the countries of Yugoslavia, Tunisia, Morocco, Algeria, Spain and Portugal.

The purpose of the visit was to assess the political, economic and national security developments of the Mediterranean Basin. In particular, the delegation sought to obtain firsthand information and strengthen relations with the leadership of two principal countries of the non-aligned movement, Yugoslavia and Algeria. In addition, the delegation discussed the prospects for Spain's continued membership in the North Atlantic Treaty Organization with Spanish officials.

GREECE, CYPRUS, CRETE, AND TURKEY

A delegation of committee members visited the Eastern Mediterranean from August 5 through August 13, 1985 to review the military and political situation in Greece, Cyprus, Crete and Turkey.

In Greece the delegation received briefings from the U.S. ambassador, members of his country team and U.S. military personnel on the mission and problems encountered by U.S. military forces stationed at Hellenikon Air Base, Elefsis Army Station, and Nea Makri Naval Base. The delegation also met with Prime Minister Andreas G. Papandreau, Deputy Minister of Foreign Affairs Yannis Kapsis, and Mr. Constantine Mitsotakis, leader of the New Democracy Party.

In Crete the delegation was briefed on operations of the Souda Bay Naval Base and Iraklion Air Base.

In Cyprus the delegation met with the U.S. charge d' affaires and embassy officials. The delegation also met with Mr. George Ladas, Acting President of the Cypriot House of Representatives; Mr. George Iacovou, Minister of Foreign Affairs; Mr. Constantinos Michaelides, Minister of the Interior; and Mr. Hakki Atun, President of the Turkish Republic of the Northern Cyprus Assembly.

In Turkey the delegation visited military installations at Incerlik, Sinop and Cakmakli, as well as the NATO headquarters installation at Izmir. Officials with whom the delegation met included the U.S. Ambassador and members of his country's team; Mr. Zeki Yavuzturk, Turkish Minister of Defense; Gen. Husnu Celenkler, Deputy Minister of Defense; and Lt. Gen. Sabri Yirmibesoglu, Chief of Staff for Operations.

(Committee Print 8)

SWITZERLAND AND AUSTRIA

A delegation of committee members visited Geneva, Switzerland, and Vienna, Austria, during the period of September 22-26, 1985. The delegation, consisting of members of the Special Panel on Arms Control and Disarmament of the Subcommittee on Procurement and Military Nuclear Systems, met with the U.S. Delegation to the Negotiation on Nuclear and Space Arms in Geneva and U.S. and NATO Representatives to the Mutual and Balanced Force Reductions (MBFR) Talks and the U.S. Representative to the United Nations System Organizations, Vienna.

The purpose of the panel's visit was to observe and discuss current U.S.-Soviet arms control negotiations on nuclear and space arms and to review the status of negotiations on the MBFR. The panel's visit to Vienna also provided members an opportunity to review the work of the International Atomic Energy Agency on nuclear nonproliferation efforts. (See additional discussion of the activities of the Special Panel on Arms Control and Disarmament elsewhere in this report).

UNITED KINGDOM, BELGIUM, FEDERAL REPUBLIC OF GERMANY, AND FRANCE

A committee delegation including six other members visited the United Kingdom, Belgium, West Germany and France during the period November 8 to 12, 1985.

The purpose of the visit was to review with European parliamentarians Soviet arms control violations and their effect on the summit and on the second round of Geneva Arms Control talks. The delegation briefed their European counterparts on technical details of non-compliance.

The following list of major officials with whom the delegation met indicates the scope of the delegation's activities:

United Kingdom—Right Honorable John Stanley, Minister of State for the Armed Forces; Gerald Frost, Director of the Institute of European Defense and Strategic Studies.

Belgium—Senator Robert Close; Deputy A. deDecker; Professor Boudewijn Bouckaert, University of Ghent; Paul Schoenmaeckers, Director of Belgian Atlantic Association.

Federal Republic of Germany—Ambassador Richard Burt, Dr. Lothar Ruehl, State Secretary of the Defense Ministry; the entire Defense Committee of the Bundesthe.

Paris—Hubert Vedrine, Diplomatic Advisor to the President; Madame Isabel Renouard, Deputy Political Director of the French Foreign Ministry.

SOUTH PACIFIC

A delegation of 11 members visited French Polynesia, New Zealand, Antarctica, Australia and Fiji during the period January 6 to January 20, 1986.

The purpose of the delegation visit was to assess the impact of several recent events on U.S. relations with its Australia/New Zealand/United States (ANZUS) Alliance partners and with the smaller island nations of the South Pacific.

In French Polynesia the delegation met with High Commissioner Bernard Gerard; Vice Admiral Rene Hugues, Admiral-in-Charge of French Naval Forces in the Pacific Ocean and Commander of the Pacific Test Center; and Territorial Vice President Alexander Leontieff to discuss French nuclear testing at the Mururoa test center and the South Pacific Nuclear Free Zone Treaty.

In New Zealand the delegation met with Mr. David Caygill, Minister of Trade and Industry; Commodore Lincoln John Tempero, Royal New Zealand Navy; and Mr. Doug Graham, Member of Parliament from the Minority National Party, to discuss the New Zealand governments' policy of refusing to allow U.S. Navy ships to visit New Zealand ports unless the government is informed in advance that they are not nuclear-propelled and/or are not carrying nuclear weapons, and the potential impact of this policy on the future of the ANZUS Alliance.

Most of the members of the delegation flew from Christchurch, New Zealand to McMurdo Station in Antarctica and then on to Amundsen/Scott South Pole Station. The delegation discussed the support U.S. military services contribute to the U.S. presence in Antarctica, and the resultant experience they obtain.

In Australia the delegation met with Prime Minister Bob Hawke; Minister of Defense Kim Beazley; First Assistant Secretary David Sadlier, Ministry of Foreign Affairs; and the members of the Parliamentary Joint Committee on Foreign Affairs and Defense. The discussions in these meetings focused on the impact of the New Zealand ship-visit policy, on the ANZUS Alliance, the South Pacific Nuclear Free Zone Treaty, and the problems of the small island nations with the United States, particularly over fishing rights in their territorial waters.

(Committee Print 17)

CENTRAL AMERICA

A delegation of 13 House Members, including four from the Committee on Armed Services, visited the five Central American republics June 1-4, 1986, and spoke individually with all five presidents, including an hour-and-a-half with Nicaraguan President Daniel Ortega.

The Delegation found virtually unanimous agreement among the presidents of the four democracies—Costa Rica, Honduras, El Salvador and Guatemala—that:

(1) There can be no long term peace and stability in Central America unless and until all five countries are democracies;

(2) Pressure on Nicaragua is essential if the Sandinista regime is ever to agree to pluralism;

(3) Latin American and European governments are not helping promote pluralism when they aid Nicaragua while ignoring the four democracies; and

(4) The United States must not be so blinded by the Nicaraguan problem that it allows the three fledging democracies—Honduras, El Salvador and Guatemala—to flounder.

REPUBLIC OF KOREA AND THE PHILIPPINES

A delegation of 5 committee members visited the Republic of Korea and the Philippines during the period of February 6–17, 1986, to inspect the living and working conditions of U.S. troops in those two countries.

While in Korea, the delegation met with senior U.S. military leaders, interviewed enlisted personnel concerning quality of life issues, and spent a day with troops along the Demilitarized Zone (DMZ) between North and South Korea.

The delegation arrived in the Philippines several days after the presidential elections and subsequent popular revolt that ousted President Ferdinand Marcos and enabled Corazon Aquino to take control of the government. The delegation was briefed by senior U.S. officials on the formation of the Corazon government and the prospects of maintaining U.S. bases in the Philippines under the new government.

PHILIPPINES, THAILAND, INDIA, PAKISTAN AND JORDAN

A delegation of nine committee members and two members from other committees visited five countries in Asia and the Middle East during the period of November 10–25, 1986. The visits included meetings with President Aquino of the Philippines, Prime Minister Prem of Thailand, Prime Minister Gandhi of India, President Zia of Pakistan, and King Hussein of Jordan.

In most of the countries visited, there has been a history of close ties and friendship with the United States. Each of the countries, to some degree, has relied on the United States as a supplier of military equipment to defend itself. The delegation concluded that the budget deficit, combined with a prevailing political mood to reduce levels of aid and an increasing reluctance to supply arms, has put a great strain on these friendships that the United States has enjoyed in the past.

While in the Philippines, the delegation visited Clark Air Force Base and the Subic Naval Base and discussed the future of the bases with Philippine officials. Members came away from the discussions more sympathetic to the Philippine position, that discussions about the future of the bases should await adoption of a new constitution and elections in the Philippines, which are scheduled next year.

The delegation received assurances from President Zia and other Pakistani officials that Pakistan has not developed a nuclear weapon and does not intend to develop a weapon. Pakistani officials said that they have offered to enter into agreements not to develop nuclear weapons if India will enter into such an agreement.

The delegation arrived in Jordan shortly after disclosure of secret arms shipments to Iran. Jordanian officials were blunt in their criticism of the sales and warned that the action was particularly difficult to understand in light of Congressional opposition to arms sales to Jordan and would cause serious loss of credibility with moderate Arab states.

Foreign Delegation Visits to the Committee

NORTH ATLANTIC ASSEMBLY SUBCOMMITTEE ON DEFENSE COOPERATION

On January 24, 1985, the Committee met with the Defense Cooperation Subcommittee of the North Atlantic Assembly to discuss burdensharing, the Nunn amendment, cooperative defense efforts/two-way street, rolling airframe missile, the Strategic Defense Initiative, ground-launched cruise missile basing and technology transfer. The North Atlantic Assembly delegation was composed of Mr. Patrick Duffy, Sir Patrick Wall, Mr. Allan F. McKinnon, Mr. Peter Petersen, Mr. Erwin Horn, Mr. Jose Lello, Mr. Martino Scovacricchi, Mr. Severino Fallucchi, Mr. Louis Darinot, Mr. Bo Kristensen, Mr. Thijsvan Vlijmen.

ITALIAN DEFENSE MINISTER

On January 24 1985, the chairman met with Defense Minister Giovanni Spadolini of Italy for a discussion of matters of mutual concern.

SPANISH MEMBERS OF PARLIAMENT

On February 8, 1985, the committee met with a delegation representing the Defense and Foreign Affairs Committees of the Spanish Parliament. The meeting focused on the participation of Spain in the NATO alliance; the need for improved military cooperation; and the Strategic Defense Initiative.

BRITISH SECRETARY OF STATE FOR DEFENCE

On February 21, 1985, the committee met with British Secretary of State for Defence, Mr. Michael Heseltine, and his delegation to discuss the British Official Secrets Act, allied defense spending in support of NATO, and British/U.S. bilateral defense security relations. In addition to Mr. Michael Heseltine, the delegation was composed of Mr. Richard Mottram, Mr. Stephen Band, and Air Vice Marshall Don Dick.

EUROPEAN ATLANTIC ALLIANCE MEMBERS

On March 26, 1985 the committee met with a delegation of European members from the Atlantic Alliance to discuss defense burdensharing, the European perspective on the Nunn amendment, the existence of the European pillar of the Alliance, and the two-way street. The European delegation was composed of Ambassador at Large Erdil K. Akay, Turkey; Mr. Joris Michael Vos, the Netherlands; General Sir Thomas Morony, United Kingdom; Mr. Detlev Graf zu Rantzau, Federal Republic of Germany; and Ambassador J. Raoul Schoumaker, Belgium.

BRITISH HOUSE OF COMMONS SELECT COMMITTEE ON DEFENCE

On March 28, 1985, the committee met with a delegation of members from the British House of Commons Select Committee on Defence to discuss the European response to the Nunn-Roth amendment, the two-way street, the Strategic Defense Initiative, the British military operation in the Falkland Islands, the proposed acquisition of Mobile Subscriber Equipment for the Army, and Greece/Turkey relations. The British delegation was composed of The Right Honorable Sir Humphrey Atkins, Mr. Winston Churchill, Mr. Dick Douglas, The Right Honorable Dr. John Gilbert, Mr. Bruce George, Mr. Edward Leigh, Mr. Ken Maginnis, Mr. Michael Mates, Mr. Michael Marshall, Mr. Keith Speed, and Mr. Neil Thorne.

DEFENSE MINISTER OF THE FEDERAL REPUBLIC OF GERMANY

On April 1, 1985, the committee met with Dr. Manfred Woerner, Fedeal Minister of Defense of the Federal Republic of Germany, to discuss the Nunn-Roth amendment, the two-way street, NATO Cooperative Programs, NATO follow-on forces attack of second echelon Soviet Union/Warsaw Pact forces, the Strategic Defense Initiative, and deployment of the Pershing II missile. The German delegation was composed of Dr. Manfred Woerner, Mr. Matthias Wissmann, Dr. Hans Ruhle, Brigadier Gen. Klaus-Christoph Steinkopff, Mr. Gerhard Henze, and Mr. Hans Theodor Wallau.

SWISS FEDERAL COUNCILLOR AND HEAD OF SWISS MILITARY DEPARTMENT

On April 2, 1985, the committee met with Messr. Jean-Pascal Delamuraz, Federal Councillor and Head of the Swiss Military Department, to discuss arms control and arms coproduction, Swiss neutrality, and bilateral U.S.-Swiss relations. In addition to Messr. Jean-Pascal Delamuraz, the Swiss delegation was composed of Messr. Charles Grossenbacher, Messr. Klaus Jacobi, Messr. Hans-Ulrich Ernst, Messr. Daniel Margot, Messr. Heinz Haesler, Messr. Rene Huber, Messr. Heinrich Maendili, Messr. Ernesto Meyer, and Messr. Werner Kaelin.

MINISTER OF DEFENSE OF TURKEY

On April 30 30, 1985, the committe met with the Minister of Defense of Turkey, Mr. H.S. Zeki Yavuturk, to discuss the status of the Turkish armed forces, Turkey's role in NATO's southern flank, and other issues of mutual interest. Also discussed was the pending visit by an committee delegation to Turkey during May, 1985. (See "Delegation to Italy, Turkey and France" elsewhere in this report.) The Defense Minister encouraged the members to visit several Turkish military installations and the F-16 co-production facility while visiting Turkey.

KINGDOM OF MORROCCO PRIME MINISTER

On July 31, 1985 the committee met with Mr. Mohammad Karim-Lamrani, Prime Minister of the Kingdom of Morocco, to dis-

cuss the current military situation and capabilities in Morrocco, with special emphasis on the war in the Western Sahara. One of the major discussion items was the status and meaning of the Oujda Accord, more commonly known as the agreement between Morocco and Libya signed in August, 1984. Also discussed was the pending committee delegation visit to Morocco and other Mediterranean Basin countries during August, 1985. (See "Delegation to North Africa, Iberia and Yugoslavia" elsewhere in this report.)

ARGENTINE HOUSE OF DELEGATES

On September 9, 1985, the committee met with a delegation representing the Defense Committee of the Argentine House of Delegates. Issues discussed included the role of the House Armed Services Committee in the Defense authorization process and the military reforms of the Alfonsin government.

FEDERAL REPUBLIC OF GERMANY DEFENSE COMMITTEE

On September 17, 1985, the committee met with Mr. Alfred Biehle, Chairman of the Defense Committee of the Federal Republic of Germany to discuss the Strategic Defense Initiative, the deployment of binary chemical weapons in Europe, allied troop withdrawal from Germany, and arms cooperation. The German delegation was composed of Mr. Alfred Biehle, Mr. Bruno Wiefel, Mr. Markus Berger, Dr. Olaf Fedlman, and Mrs. Katrin Fuchs.

HIS ROYAL HIGHNESS PRINCE PHILIPPE OF BELGIUM

On October 1, 1985 members of the House Armed Services Committee staff met with His Royal Highness Prince Philippe of Belgium to discuss the operation and function of the committee. Prince Philippe was accompanied by Col. Mertens, Mr. Wilfried Nartus and Mr. Alexis Reyn.

FOREIGN ECONOMIC RELATIONS COMMITTEE OF YUGOSLAVIA

On October 16, 1985 the committee met Dr. Miran Majak, Chairman of the Foreign Economic Relations Committee of Yugoslavia and his delegation to discuss Yugoslavian-U.S.S.R. relations, the U.S.-Yugoslavian cooperative relationship, international terrorism, the hijacking the *Achille Lauro,* military training in Yugoslavia of U.S. National Guard and Reserve forces, and the acquisition of U.S. military equipment. Dr. Majak was accompanied by Mr. Vasilije Radic, Mr. Trpe Jakovlevski, and Mr. Dusan Gligorijevic.

ISRAELI DEFENSE MINISTER

On November 15, 1985, the committee met with Israeli Defense Minister Yizdhak Rabin. Topics of discussions included the reduction in the Isreaeli defense budget, possible U.S. arms sales to Jordan, terrorism, U.S. aid to Israel, the recent crisis in the Israeli cabinet, and other concerns in the Middle East.

CANADIAN STANDING COMMITTEE ON EXTERNAL AFFAIRS IN NATIONAL DEFENSE

On December 3, 1985, the committee met with members of the Canadian Standing Committee on external Affairs in National Defense to discuss the modernization of the North American Aerospace Defense Command (NORAD) air defense system, the U.S.-Canadian role in NATO, defense trade and the U.S. Strategic Defense Initiative. The Canadian delegation was composed of the following: William Winegard, Chairman; Richard Grise, Rob Nicholson, Robert Wenman, John Oostrom, David Daubney, Bob Hicks, John Reimer, Jean Gery Guilbault, Don Ravis, Len Hopkins, Derek Blackburn, and Pauline Jewett.

SECRETARY OF DEFENSE OF ARGENTINA

On December 13, 1985, the committee met with Dr. Jose Horacio Juanarena, Secretary of Defense of Argentina. As the first democratic regime in a number of years, the government of Argentina is emphasizing the establishment of lasting civilian control of the armed forces. The discussion focused on how civilian control is maintained in the United States.

SUBCOMMITTEE ON DEFENSE COOPERATION, NORTH ATLANTIC ASSEMBLY

On January 30, 1986, the committee met with the Defense Cooperation Subcommittee on the North Atlantic Assembly to discuss the impact of Gramm-Rudman on U.S. defense plans; NATO cooperative research and development programs; the NATO cooperative weapons program; and the U.S. chemical weapons modernization program. The North Atlantic Assembly delegation was composed of Subcommittee Chairman Sir Patrick Duffy, Sir Patrick Wall, and Sir Geoffrey Johnson Smith of the United Kingdom; Mr. Walter Kolbow of the Federal Republic of Germany; Mr. Michel d'Aillieres of France; Mr. Martino Scovacricchi and Sen. Severiono Fallucchi of Italy; Mr. Jules de Waart and Mr. Thijs van Vlijmen of The Netherlands; and Mr. Jose Manuel Lello Riberiro de Almeida of Portugal.

DEFENSE COMMITTEE OF THE ITALIAN HOUSE OF REPRESENTATIVES

On March 5, 1986, the committee met with members of the Defense Committee of the Italian House of Representatives. Discussions focused on the U.S. commitment to NATO, the impact of Gramm-Rudman on U.S. defense spending, and Italian participation in the research phase of the Strategic Defense Initiative. The Italian delegation, led by Chairman Attilio Ruffini, included Guido Alberini, Vito Angelini, Paolo Battistuzzi, Andrea Bonetti, Giancarla Codrignani, Carlo Di Re, Guiseppe Gatti, Vito Miceli, Gastone Savio, Agostino Spataro, and Bruno Stegagnini.

BRITISH MINISTER OF STATE FOR THE ARMED FORCES

On April 22, 1986 the committee met with The Right Honourable Mr. John Stanley, Minister of State for the Armed Forces of the United Kingdom, to discuss mutual foreign policy issues, the

impact of Gramm-Rudman on U.S. defense spending, arms cooperation agreements and research and development projects. Mr. Stanley was accompanied by Air Vice Marshall Ronald Dick.

FEDERAL REPUBLIC OF GERMANY DEFENSE COMMITTEE

On May 6, 1986 the committee met with Mr. Willy Wimmer, and other members of the Defense Working Group of the German Bundestag, to discuss foreign policy concerns, the coproduction of arms, the Strategic Defense Initiative, arms control issues, and the deployment of chemical weapons in Europe. Mr. Wimmer was accompanied by Mr. Alfred Biehle, Chairman of the Bundestag Armed Services Committee, and the following Members: Mr. Paul Breuer, Mr. Johannes Ganz, Mrs. Ingrid Roitzsch, Mr. Bernd Wilz, Dr. Fritz Wittmann, and Mr. Peter Petersen.

AUSTRALIAN MINISTER OF DEFENSE

On May 6, 1986 the committee met with Hon. Kim Beazley, Australian Minister of Defense, to discuss the ship-visit policy of New Zealand and its impact on the ANZUS nations, and other U.S.-Australian defense issues. In addition to Minister Beazley, the Australian delegation included Ambassador Rawdon Dalrymple; Major General John Coates, Defense Attache; Dr. Malcolm McIntosh; Mr. Ross Thomas; Commander Ian MacDougall; Mr. Sid Hickman; and Mr. C.B. Davies.

SPANISH SECRETARY OF STATE FOR DEFENSE

On May 14, 1986, Mr. Narcis Serra, the Spanish Secretary of State for Defense, met with members of the committee in his capacity as Chairman of the Independent European Program Group (IEPG). Topics discussed included the 120mm mortar program, Spain's role in NATO, the IEPG perspective on armaments cooperation, U.S. troop withdrawal negotiations, and Iberian Peninsula issues.

ASSEMBLY OF WESTERN EUROPEAN UNION COMMITTEE ON DEFENSE QUESTIONS AND ARMAMENTS

On June 18, 1986 the committee met with Mr. Peter Kittelmann, Chairman of the Committee on Defense Questions and Armaments of the Assembly of Western European Union (WEU) and other members to discuss the Strategic Defense Initiative, SALT II, the ABM Treaty, the impact of Gramm-Rudman on the defense budget, NATO, the two-way street and burdensharing, and arms cooperation. The possibility of an annual formal exchange between the committee and the WEU was also raised. Mr. Kittelmann was accompanied by Dr. Maurice Miller, Mr. John Stokes, Sir Frederic Bennett, Mr. Giuseppe Amadei, Mr. Rene Noerens, Mr. Varese Antoni, Mr. Tijl Declercq, Mr. Pierre Matraja, Mr. Fritz Gerstl, Mr. Ugo Pecchioli, Mr. Antoon Steverlynck, Mr. Bruno Giust, Sir Dudley Smith, Mr. Willem de Kwaadsteniet, Mr. Salvatore Frasca, Mr. Pietro Mezzapesa, Mr. John Wilkinson, Mr. Harry Van Den Bergh, Mr. Markus Berger, and Mr. Thomas Cox.

BRITISH SECRETARY OF STATE FOR DEFENCE

On June 25, 1986 the committee met with The Right Honourable George Younger, the British Secretary of State for Defense. Discussion focused on Strategic Defense Initiative research, arms control and the SALT agreement, the new extradition treaty, the deployment of chemical weapons, and mutual foreign policy concerns.

U.S. DEFENSE REPRESENTATIVE TO NATO

On July 17, 1986, the committee met with General Jack Merritt, U.S. Defense Representative to NATO, to discuss the status of the chemical weapons modernization program for fiscal year 1987 and U.S.-allied relations.

SWEDISH PARLIAMENTARY STANDING COMMITTEE ON DEFENSE

On September 11, 1987, the committee met with members of the Swedish Parliamentary Standing Committee on Defense to discuss the U.S. defense budget, the Strategic Defense Initiative, arms control initatives, and Swedish antisubmarine warfare capability. Members of the delegation included: Mr. Lennart Blom, Mr. Olle Goransson, Mr. Roland Brannstrom, Mr. Ake Gustavsson, Ms. Kerstin Ekman, Mr. Gunnar Bjork, Mr. Evert Hedberg, Mr. Ingemar Konradsson, Mr. Ingvar Bjork, Mr. Hans Lindblad, Mr. Olle Aulin, Ms. Irene Vestlund, Ms. Gunhild Bolander, Mr. Christer Skoog, Mr. Styrbjorn Lindow, and Mr. Berndt Bodin. They were accompanied by Col. Mats Hugosson, Ministry of Defense, Brigidier General Jan-Henri Torselius, Defense and Air Attache to the Embassy, and Minister Ulf Hjertonsson.

COMMITTEE ON NATIONAL DEFENSE OF THE BELGIAN HOUSE OF REPRESENTATIVES AND SENATE

On September 18, 1986, the committee met with members of the Belgian House of Representatives and Senate to discuss possible restrictions related to SDI research and NATO arms coproduction programs, mutual foreign policy concerns, and the deployment of chemical weapons in Europe. Members of the Belgian House of Representatives delegation included: Mr. Jacques Pivin, Mr. Louis Vanvelthoven, Mr. Serge Kulbla, Mr. Ghislain Willems, Mr. Valmy Feaux, Mr. Johannes Pepermans, Mr. Johan Sauwens, Mr. Josef Michel, and Mr. Lucien Van De Velde. The Belgian Senate delegation was composed of Mr. Pierre Descamps, Mr. Jos De Bremaeker, Mr. Lambert Kelchtermans, Mr. Frans Vanderborght, Mr. Max Smeers, Mr. Rene Borremans, Mr. Nestor Pecriaux, Mr. Marcel Friederichs, Mr. Raymond Bataille, and Mr. Oswald Van Ooteghem.

OTHER ACTIVITIES OF SUBCOMMITTEES

INVESTIGATIONS SUBCOMMITTEE

In fulfilling its investigative and oversight responsibilities, the Investigations Subcommittee has under continuous study selected activities of the Department of Defense and a wide range of subjects brought to its attention by a number of sources, including Members of Congress, the General Accounting Office (GAO) and concerned citizens. In addition, the subcommittee has responded to inquires by Members of Congress who have requested assistance in matters within the scope of the subcommittee jurisdiction.

During the period January 1, 1985 through December 1986, the subcommittee investigated 367 cases and examined 94 reports of the General Accounting Office falling under the purview of the subcommittee's responsibility. Most of this casework was resolved without the requirement for hearings or formal reports. However, during the 99th Congress, the subcommittee conducted hearings to examine the current status of obsolete chemical munitions and to look at alternatives for disposing of those items, which included a field hearing in Richmond, Kentucky; to examine the readiness of military medicine; to examine the security issues involving the release of classified Trident submarine photographs to unauthorized personnel, the security clearance provided to Lester Crown of the General Dynamics Corporation, and the 10-percent reduction in industrial security clearances required of defense contractors by the Department of Defense; to examine the reorganization of the Joint Chiefs of Staff; to review the inspection and oversight of military charter aircraft; to examine the Defense Department's plan for establishing a second source for production of the Copperhead projectile; to examine the Defense Department's implementation of statutory guidance relating to the contracting out of core logistics; to examine the ability of the domestic textile industry to meet mobilization requirements; and to examine the problems of the activities of the Central Identification Laboratory in Hawaii. The Investigations Subcommittee conducted joint hearings with the Subcommittees on Readiness and on Military Installations and Facilities, which were held in Honolulu, Hawaii, to examine the present use, requirements and future utilization of Fort DeRussy in Hawaii. The subcommittee met in a joint session with the Subcommittee on Fossil and Synthetic Fuels of the Committee on Energy and Commerce to consider the current problems in the administration of Naval Petroleum Reserve Number 1 at Elk Hills. The Investigations Subcommittee also met in joint session with the Seapower and Stategic and Critical Materials Subcommittee to review the allowable costs in overhead submissions of defense contractors; to examine post-employment conflict of interest of government employees (revolving door); to consider H.R. 272, a bill to amend the Defense Produc-

tion Act of 1950; and to receive testimony on the Navy ship-procurement process, including a review of the status of the settlement of the 1978 shipbuilding claims of Electric Boat Division of General Dynamics Corporation. The subcommittee also received executive session briefings on the status of Department of Energy security of nuclear facilities; the military assistance program for El Salvador and Honduras; alleged Department of Defense possession of information relating to military personnel missing in action/prisoners of war in Southeast Asia; U.S. military aid to the Philippines; on allegations that the Lockheed Corporation failed to comply with Department of Defense procedures for the security of classified information; and on the national defense impact of the Walker-Whitworth spy case. The subcommittee held hearings to consider the following legislation: H.R. 2397, The Allowable Cost Reform Act; H.R. 2265, a bill superseding H.R. 3622, to reorganize the Joint Chiefs of Staff, which warranted a joint hearing with the Acquisition and Procurement Policy Panel and the Grace Commission Panel; H.R. 4370, The Defense Reorganization Act of 1986; H.R. 272, to amend the Defense Production Act of 1950, which was considered during a joint session with the Seapower and Strategic and Critical Materials Subcommittee; H.R. 5027, to establish certain requirements with respect to air carriers contracting with the Department of Defense for charter air transportation of members of the Armed Forces; H.R. 4014, to establish certain safety requirements relating to transportation of members of the Armed Forces on chartered aircraft. A hearing was held to consider a Department of Energy legislative proposal concerning the rate of production at the Naval Petroleum Reserves; and on H.R. 4843, to give the Secretary of Energy discretion in establishing the rate of production of the Naval Patroleum Reserves.

The subcommittee examined a Resolution of Inquiry (H. Res. 485) to direct the President to provide to the House of Representatives information regarding Lt. Col. Oliver North or staff of National Security Council in support of Nicaraguan resistance.

Legislative actions of the subcommittee are discussed elsewhere in this report.

Studies that warranted full-scale examination are discussed below:

DEPARTMENT OF DEFENSE REORGANIZATION

Joint Chiefs of Staff—1985

The Investigations Subcommittee reported H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985, on September 11, 1985. The bill would strengthen the position of chairman of the Joint Chiefs of Staff (JCS) and provide for more efficient and effective JCS, Joint Staff, and combatant command operation. (See "Legislation Reported But Not Enacted" for additional discussion of H.R. 3622.) The committee reported the bill on November 14, 1985 and the House passed it on November 20, 1985.

During the 97th Congress, attention was focused on the JCS structure when Gen. David C. Jones, then chairman of the Joint Chiefs of Staff, voiced his concern about basic shortcomings in the JCS organization in a February 3, 1982 hearing before the commit-

tee. He stated that he intended to submit proposals to correct those shortcomings and would work to achieve their acceptance in the remaining months of his tenure and thereafter. Subsequently, Gen. Edward C. Meyer, Army Chief of Staff, joined General Jones in criticizing the present structure and recommended additional changes.

As part of its investigation into JCS reorganization, the subcommittee heard testimony from more than 40 witnesses, including the chairman and all current members of the Joint Chiefs of Staff, former secretaries of defense, former deputy secretaries of defense, former chairmen and members of the Joint Chiefs of Staff, former directors of the Joint Staff, commanders of unified commands, and other civilian and military witnesses.

Although the subcommittee found overwhelming agreement that organizational problems hamper the performance of the present organization, it received differing views on what, if anything, should be done to correct existing deficiencies. The recommendations ranged from leaving the current organization unchanged to replacing it with a single Chief of Staff who would (1) head a joint military staff and (2) act as the military advisor to the President, the National Security Council, and the Secretary of Defense.

Despite passage of a JCS reorganization bill in the House, the legislation died in the Senate during the 97th Congress, partly because of the absence of an expressed Administration position.

In 1983 the Administration developed a position and submitted a legislative proposal to the 98th Congress. The subcommittee held hearings on the proposed JCS legislation and received testimony from each member of the Joint Chiefs of Staff and two former JCS chairmen. Subsequently, the subcommittee reported a bill that responded to the Administration recommendations but retained many elements of the bill passed by the House during the 97th Congress. As in the 97th Congress, the committee reported the bill and the House passed it.

The Senate Committee on Armed Services held a series of hearings in 1983 on Department of Defense (DOD) organization during which the House-passed bill was considered as a part of its overall examination of this subject. Although the Senate took no further action on DOD organizational matters, several provisions of the House bill were enacted as a part of the fiscal year 1984 Department of Defense Authorization Act.

In 1985, four JCS reorganization bills were referred to the subcommittee. (See "Legislation Considered But Not Reported" for discussions of H.R. 2165, H.R. 2265, H.R. 2314 and H.R. 2710.) The subcommittee received testimony from Members of Congress, the Secretary of the Navy, a former Secretary of Defense, the author of the Heritage Foundation Defense Assessment Project Report, and the chairman of the Defense Organization Project of the Georgetown University Center for Strategic and International Studies. In addition, formal statements were received for the record from the Secretary of Defense and the chairman of the Joint Chiefs of Staff.

H.R. 3622, the bill reported by the subcommittee at the conclusion of its 1985 hearings, although more far-reaching in strengthening the chairman of the Joint Chiefs of Staff, nevertheless, retained

many elements of the bills passed by the House during the 97th and 98th Congresses.

(H. Rept. 99-375; H.A.S.C. 99-10)

Other Elements of the Department of Defense—1986

In 1986, the subcommittee, having completed work on the JCS bill, expanded the compass of its inquiry to include several other organizational elements of the Department of Defense. During February and March 1986, the subcommittee held another series of hearings on defense organization. Fifty-two witnesses testified on the organization of the unified and specified commands, defense agencies, military department headquarters, and personnel policies relating to officers who serve in joint duty assignments. The witnesses were also invited to discuss their views on the House-passed JCS reorganization bill, H.R. 3622. The witnesses included the Deputy Secretary of Defense, the three service secretaries, all of the members of the Joint Chiefs of Staff, several unified and specified commanders, knowledgeable private individuals and former senior military officers.

Five bills relating to particular aspects of defense organization were introduced in the House of Representatives and referred to the subcommittee. (See the discussions of H.R. 4068, H.R. 4234, H.R. 4235, H.R. 4236 and H.R. 4237 under "Legislation Considered But Not Enacted".) The texts of those bills was consolidated into H.R. 4370, which became the vehicle for subcommittee and full committee consideration of Defense Department reorganization. (See the discussion of H.R. 4370 under "Legislation Reported But Not Enacted.")

The Investigations Subcommittee reported H.R. 4370, as amended, on June 12, 1986 and the Armed Services Committee reported the bill on July 21, 1986.

The Senate passed an amended H.R. 3622 on May 7, 1986. Although the Senate version of H.R. 3622 retained the essential elements of the House-passed JCS bill, the scope of the legislation was broadened to cover the entire Department of Defense.

On August 5, 1986, the text of H.R. 4370 was introduced as an amendment to the FY 1987 Department of Defense Authorization Bill, H.R. 4428. The amendment, as further amended, was passed by a vote of 406-4. Subsequently, on August 11, 1986, the House established the basis for a conference with the Senate on DOD reorganization by approving the text of H.R. 4370 and provisions of the original House-passed JCS bill (H.R. 3622) as the House amendment to the Senate amendment to H.R. 3622. (See the discussion of Public Law 99-433 under "Legislation Enacted into Law.")

(H. Rept. 99-700)

MILITARY ASSISTANCE PROGRAM FOR EL SALVADOR AND HONDURAS

When the Investigations Subcommittee visited Central America in July 1984, a number of questions related to the U.S. military assistance program surfaced. In its trip report, the delegation expressed concern about the quality and timeliness of U.S. support for the Salvadoran helicopter fleet. It also raised a question with regard to the tradeoff between expensive howitzers and inexpensive

mortars as appropriate weapons for the type of war being waged in El Salvador.

Subsequent to the trip, the Investigations Subcommittee requested that the General Accounting Office (GAO) initiate an inquiry into the military assistance program in Central America. On October 4, 1984, March 21, 1985 and October 16, 1985, GAO investigators provided the subcommittee with classified briefings on the U.S. military assistance program. Among the topics covered were security assistance to El Salvador and Honduras, joint exercises and other U.S. military activities in Central America, the exclusion of Salvadorans from the Regional Military Training Center in Honduras, and expansion of the training center at La Union, El Salvador.

SHIP PROCUREMENT PROCESS

On February 2, 1985; March 14, 1985; and May 15, 1985 the subcommittee held hearings jointly with the Seapower and Strategic and Critical Materials Subcommittee on the Navy's ship procurement process and the accounting practices of major defense contractors. See "Seapower and Strategic and Critical Materials Subcommittee" elsewhere in this section for additional discussion of this subject.)

(H.A.S.C. 99-16)

OBSOLETE CHEMICAL MUNITIONS AND ALTERNATIVES TO DISPOSAL

On March 13, 1985 the subcommittee received testimony on the proposed disposal of obsolete chemical munitions. Although the United States has not produced chemical weapons since 1969, a substantial inventory of chemical munitions exists today. Many of these munitions, manufactured in the 1950s and 1960s, are now approaching the end of their shelf life; they are deteriorating or they are obsolete. Some of the munitions are developing leaks. The Army as executive agent must isolate the leaker, remove the chemical agent, and then destroy the shell. Over the past several years the Army has been studying various alternatives to destruction. In light of language in the fiscal year 1986 Defense Authorization Act which mandates that the existing unitary stockpile be destroyed by 1994, coinciding with production of the new binary chemical weapon, the Army is currently examining methods of destruction that will allow it to meet its deadline. The disposal procedure must also conform to environmental legislation. Currently, the existing stockpile is located at eight continental United States sites, Johnston Island in the Pacific, and one European location.

The subcommittee heard testimony from Rep. Beryl Anthony (D.-Ark.), Army witnesses, and two witnesses from the Lexington-Bluegrass, Kentucky area who represented their views on the situation at that depot.

On July 1, 1986 the Army released its draft Environmental Impact Statement (EIS) and indicated its preferred alternative for destruction of the obsolete chemical stockpile. The decision was to demilitarize these weapons at each of the eight storage sites.

On July 25, 1986 the subcommittee conducted a field oversight hearing at the Lexington-Bluegrass Army Depot, one of these eight sites. The purpose of the hearing was to examine the Army's stock-

pile destruction plan, the Environmental Impact Statement, and to hear the concerns of citizens who would be most affected by the Army's action.

The witnesses included Amoretta Hoeber, Deputy Under Secretary of the Army; Brig. Gen. David Nydam; Alan Hill, Council on Environmental Quality; Armand Lapage, Environmental Protection Agency; Vernon Houk, Department of Health and Human Services; Henry Connor, General Accounting Office (GAO); and 22 other witnesses representing local, county, state, and independent organizations.

As a result of the hearing the subcommittee has requested that the General Accounting Office examine several additional issues in more detail. Specifically, GAO has been requested to examine the extent to which the Army has considered emergency action planning, site-specific input into the EIS, and alternative destruction technologies.

The GAO will report to the subcommittee in January 1987.

(H.A.S.C. 99-5)

REVOLVING DOOR

On April 18, 1985 the subcommittee held a joint hearing with the Investigations Subcommittee on post-employment conflicts of interest in defense procurement, the so-called "revolving door," and H.R. 272. (See "Legislation Considered But Not Reported" for addition discussion of H.R. 272. See "Seapower and Strategic and Critical Materials Subcommittee" elsewhere in this section for additional discussion of this subject.)

(H.A.S.C. 99-11)

PRISONERS OF WAR/MISSING IN ACTION (POW/MIA)

A lawsuit filed in Federal District Court in Fayetteville, North Carolina, by a Medal of Honor awardee, a former prisoner of war, and a Green Beret sergeant, raised interest concerning the possibility of live POWs still in captivity in Loas and Vietnam. The lawsuit seeks to compel the President to demand the release of "living American prisoners of the Vietnam War, presently held in captivity by a foreign government." The plaintiff also charged that information they possessed while on active duty with the Special Forces in Korea was not accepted by the military and that the Defense Intelligence Agency actively covered up information indicating that POWs remain in captivity.

On October 10, 1985, the subcommittee received testimony in executive session from representatives of the Defense Intelligence Agency and the Army on their continuing efforts to investigate information received on POWs and MIAs.

PROTECTION OF NATIONAL SECURITY INFORMATION

On September 26 the Investigations Subcommittee held a hearing to examine three separate issues relating to national security and the protection of classified information; i.e., General Dynamics' publication of an internal report that contained photographs of the interior of a Trident submarine; an application for a security clear-

ance for Lester Crown, a director of General Dynamics Corporation; and the Department of Defense effort to reduce by 10 percent the number of persons holding security clearances.

Contrary to defense industrial security regulations, neither Mr. Crown nor General Dynamics Corporation notified the Department of Defense of his involvement in the criminal conspiracy. In April 1982, Mr. Crown sought a concurrent security clearance with Trans World Airlines. On that application he reported that he had entered into a consent decree with the Securities and Exchange Commission in 1977 to correct General Dynamics proxies filed in 1974, 1975 and 1976. Those proxies had failed to disclose completely Mr. Crown's involvement in the 1972 bribery scheme. In February 1983 the Defense Industrial Security clearance officer determined that Mr. Crown's security clearance should be continued.

A Department of Defense witness testified that in February 1985 the Secretary of Defense directed that an investigation be conducted to determine whether Mr. Crown's security clearance should be revoked. The investigation covered the period 1972 to the present. The witness testified that on September 18, 1985, Mr. Crown was notified by the Department of Defense that proceedings to revoke his access to classified information were being initiated. Those proceedings are pending at this time.

Ten percent reduction in individual security clearances

On June 10, 1985 the Secretary of Defense directed an across-the-board 10 percent reduction in the number of security clearances both in the Department of Defense and in industry. This reduction was to be accomplished by October 1, 1985. The Secretary also directed that requests for new investigations for security clearances be reduced by 10 percent from fiscal year 1984 levels. This directive came partially as a result of the Walker-Whitworth spy cases.

Defense Department witnesses testified that the purpose of the directive was to reduce the number of contractor, military and civilian personnel of the Department of Defense who hold security clearances and who were being proposed for such clearances. The testimony reflected that a reduction of approximately 8 percent had been achieved as of September 15, and that it appeared there would be no difficulty in attaining the 10 percent objective by October 1. At the time of the hearing the Navy had actually reduced its clearance by 26 percent and officials believed that the Navy could attain the 50 percent reduction which had been directed by the Secretary of the Navy.

The witnesses testified that the Department of Defense recognized the problem faced by small defense contractors in achieving the reduction objective. They testified that there would be enough flexibility in implementation of the plan to accommodate small contractors and to permit performance of contracts in a timely manner.

Trident photographs

During subcommittee staff interviews, P. Takis Veliotis, a former vice president and member of the Board of Directors of the General Dynamics Corporation, reported that in February 1983, after he had terminated his employment with General Dynamics Corpora-

tion, and after his security clearance had been terminated, he was given a copy of a "Third Quarter 1982 General Dynamics Strategic Review" which contained 12 photographs of the interior and cross-section of a Trident submarine. Mr. Veliotis believed that the photographs should have been classified because they could have caused damage to the U.S. strategic submarine program.

The director of the Defense Investigative Service testified that an examination revealed that certain quarterly reviews prepared by Electric Boat Division of General Dynamics Corporation were neither marked nor protected as classified. Rather than classify the photographs, he testified that Electric Boat marked them as "For Official Use Only" without an appropriate classification review.

The general manager of Electric Boat testified that he did not believe the photographs were required to be classified because they were intended for internal use by officers and employees of the corporation and not for release to the public. He testified that 17 to 20 copies of the report were prepared and distributed to key officers of the corporation at the quarterly review meeting. He added that he had not provided a copy of the report to Mr. Veliotis and did not know who had. He also testified that, since February 1985 when the Navy criticized the use of these photographs, every Trident picture had been classified.

Lester Crown security clearance

The Crown family controls approximately 23 percent of the common stock of General Dynamics Corporation. In 1972 Mr. Lester Crown was president of Material Services Group, a subsidiary of General Dynamics Corporation. He was elected to the General Dynamics Board of Directors on April 5, 1972. That position required access to classified material; consequently, on May 12, 1972, he applied for a secret clearance. On July 31, 1974 a top secret clearance was granted to Mr. Crown. The file contains no explanation for the delay in granting the clearance or why a top secret clearance was granted when a secret clearance had been requested.

During the summer of 1973 a federal grand jury in Chicago began an investigation of alleged bribery of Illinois state legislators to influence passage of legislation dealing with ready-mix concrete trucks. The grand jury investigation developed evidence that Mr. Crown had furnished $23,000 of his personal funds to influence the legislation. It also found that Material Services Corporation employees had submitted inflated expense accounts for which they were paid, and that those funds were delivered to Mr. Crown to reimburse him for the personal funds he had used for the bribery scheme. Mr. Crown was given transactional immunity and compelled to testify before the grand jury on April 3, 1974. An indictment was returned on December 3, 1974, which named Crown as an unindicted co-conspirator in the scheme. He testified at the 1976 trial of the indictment at which several defendants were convicted.

THE QUALITY OF MILITARY HEALTH CARE AND THE CONDITION OF MILITARY MEDICAL READINESS

The subcommittee has been concerned about the quality of military health care for more than two years. Following a 1983 request

by the subcommittee chairman to the Secretary of Defense that a thorough examination of all Department of Defense medical organizational activities be conducted by the Department of Defense Inspector General (IG), the IG published a report confirming that many changes were required to improve the quality of military health care. Despite some progress, incidents continued to surface in 1984 and 1985 that indicated a need for redoubled efforts to ensure the quality of care in the military medical system.

In 1985 the capability of the military medical organizations to perform their duties in wartime also became an issue. A Department of Defense report that reviewed the medical care of casualties in the aftermath of the October 1983 Beirut bombing of the Marine encampment concluded that "the U.S. European Command lacks a comprehensive, integrated plan for providing care to victims of terrorist attacks." The report also concluded that "today the U.S. European Command has neither adequate medical readiness resources nor effective joint plans for the resources it has."

On September 18, 1985 the subcommittee heard testimony on the quality of military health care and military medical readiness from the Assistant Secretary of Defense for Health Affairs, the Honorable William Mayer, M.D. In addition to discussing the quality of care and medical readiness, Dr. Mayer testified on joint planning, medical command and control, recommendations for establishment of a position of command surgeon at Headquarters, U.S. European Command, the cost of military health care, and proposals for reorganizing the structure of the military medical system.

DEPARTMENT OF ENERGY PHYSICAL SECURITY

During the first session, the subcommittee continued its oversight of physical security at Department of Energy (DOE) nuclear weapons production facilities as part of its responsibilities with respect to the defense-related portions of the DOE budget. The staff visited a number of sites to inspect progress being made to enhance safeguards and security and to examine adequacy of training for security personnel.

On December 5, 1985 the Procurement and Military Nuclear Systems and Investigations Subcommittees conducted a joint closed hearing to examine the status of physical security and to receive testimony on several other classified topics relating to safeguard issues. The Secretary of Energy had installed a new Deputy Assistant Secretary of Energy for Security (Edward Badolato) who reports to him on security matters of concern. Mr. Badolato testified on his comprehensive review of DOE security and his plan to implement initiatives for strengthening overall security.

SAFETY OF AIRCRAFT CHARTERED TO THE DEPARTMENT OF DEFENSE

As a result of the tragic loss of 248 servicemen at Gander, Newfoundland in the crash of a DC-8 aircraft, the Investigations Subcommittee examined the safety of aircraft under charter to the Department of Defense for the transportation of military personnel.

After a preliminary staff inquiry, the subcommittee held a series of hearings on February 5 and 6, March 6, and June 26, 1986. These hearings focused on the policies and procedures of the De-

partment of Defense in chartering aircraft for the movement of military personnel, airline companies under contract to the department, and the methods employed for ensuring the safety of chartered aircraft.

As a result of these hearings, the subcommittee reached the following findings and conclusions:

1. In 1959 the Congress directed that the DOD use the civilian airlines for the transportation of military personnel. As a result of that directive and because of cost considerations and lack of appropriate organic airlift, the Department of Defense must rely on the civil aviation industry in peacetime and, more importantly commitment of aircraft to the Civil Reserve Air Fleet (CFAF) for the airlift of personnel in a national emergency.

2. Responsibility for safety of civil aviation operations clearly rests with the FAA; nevertheless, DOD must assume a greater role in ensuring the safety of aircraft carrying military personnel.

3. Airline deregulation has doubled the number of civil airline companies since 1978. In the same time the FAA's ability to conduct inspection and monitor the safety of these airlines has diminished greatly.

4. The combination of two factors—one, many airlines operating on minimum FAA standards, and two, the reduction of FAA's workforce—has created a situation in which no one can assure the public with any degree of confidence that the airplanes flying are truly safe.

5. A nationwide FAA inspection conducted in 1984 revealed that airlines with military contracts had a almost twice as many of the most serious deficiencies as did similar airlines without military contracts. Of the 21 airlines (FAA part 121) with military contracts, 19 (or 90 pecent) had the most serious deficiency ratings.

6. Department of Transportation Order 8000.4E establishes coordination procedures for FAA with the Military Airlift Command (MAC) with regard to the sharing of safety-related information. This regulation, however, has been ignored over the years. Little, if any, information flows between these two agencies relating to the safety of the airline industry. The Arrow aircraft which crashed in Gander had been involved in several incidents which may have related to the safety of the aircraft. One of these incidents, however, was never reported to the FAA or to DOD, which may indicate major communication problems in the industry.

7. There is also a lack of coordination between MAC and the Military Traffic Management Command (MTMC), the two DOD organizations which contract for airlift. In some instances MTMC suspended a carrier while MAC continued business as usual and, further, was unaware of the suspension action by MTMC.

8. DOD has no administrative organization to make recommendations to the Secretary of Defense on the suspension and reinstatement of air carriers and to oversee the policies, procedures, and general safety of airlines which do business with the department. Even though Arrow Air was involved in the Gander crash was under investigations by FAA, a contract extension was granted by DOD without consideration of these investigations.

The subcommittee sought to correct these deficiencies in H.R. 5027. (See "Legislation Considered But Not Reported" elsewhere in this report for additional discussion of H.R. 5027.)
(Committee Print 22)

CORE LOGISTICS

The Subcommittee on Investigations met on May 14, 1986 to receive testimony from Department of Defense witnesses on the Department's implementation of Sec. 1231 of the Defense Authorization Act of 1986 (Public Law 99-145) regarding core logistics functions. Section 1231 listed core logistics activities and exempted depot maintenance functions at those activities from review in accordance with Office of Management and Budget (OMB) Circular A-76 unless the Secretary of Defense waives that exemption. The testimony at the hearing further clarified the implementation of Sec. 1231 by providing specific lists of depot maintenance functions at core logistics activities and through the assurance that waiver authority would not be delegated below the Office of the Secretary of Defense.

SECOND-SOURCE PROCUREMENT FOR THE ARMY'S COPPERHEAD GUIDED PROJECTILE

On May 22, 1986, the Subcommittee on Investigations met to discuss the prospects for second-source production of the Army's Copperhead Guided Projectile and the potential for commonality with the Navy's five-inch guided projectile system. The subcommittee received testimony from a number of representatives from the Department of Defense, the Army and the Navy, to include Mr. Andrus Viilu, Acting Assistant Deputy Under Secretary of Defense for Land Warfare; Major General Robert Molinelli, USA, Director of Combat Support Systems, Deputy Chief of Staff for Research and Development, U.S. Army; Mr. James Pritchard, Assistant Project Manager, Copperhead; and Messrs. Ned Donaldson and Dennis Hagen from the Navy Guided Projectile office.

PRODUCTION RATE AT THE NAVAL PETROLEUM RESERVES

The Investigations Subcommittee held a joint meeting with the Subcommittee on Fossil and Synthetic Fuels of the Committee on Energy and Commerce on June 11, 1986 to review recent sales of petroleum at the Elk Hills Naval Petroleum Reserves and the rate of production at that reserve. Witnesses from the Department of Energy, the General Accounting Office, Chevron USA, the American Independent Refiners Association, and the California Independent Producers Association testified at that hearing.

The Naval Petroleum Reserves Production Act of 1976 directs that the reserves are to be produced at the maximum efficient rate. Pursuant to that requirement the Elk Hills Reserve was produced at an average of 127,000 barrels per day even after worldwide oil prices had collapsed in late 1985. As a result, the April 1986 auction at Elk Hills, conducted by the Department of Energy, attracted bids as low as $6.23 per barrel. At the same time the Depart-

ment of Energy was paying almost twice that price for oil being purchased for storage in the Strategic Petroleum Reserves.

In an effort to correct these problems, the subcommittee reported H.R. 4859, which would have provided some flexibility in establishing the rate of production at the reserve and fixed criteria for establishing a minimum price for petroleum producers at the reserve. (See "Legislation Considered But Not Reported" elsewhere in this report for additional discussion of H.R. 4859.)

TEXTILE INDUSTRY MOBILIZATION REQUIREMENTS

On July 15 the Investigations Subcommittee held a hearing to examine the ability of the domestic textile industry to meet mobilization requirements. Witnesses from the Defense Logistics Agency, American Apparel Manufacturers Association, Industrial Fabrics Association, and the American Textile Manufacture's Institution testified at the hearing.

The testimony reflected that the decline of the domestic textile industry has not had a significant impact on its ability to satisfy the peacetime requirements of the Department of Defense. Shoes, tents, and chemical protection items were identified as areas which would be problems in the event of a full-scale mobilization. The witness for the Department of Defense cautioned, however, that the future ability of the industry to satisfy mobilization could be affected if the industry continues to delcine.

CENTRAL IDENTIFICATION LABORATORY

The Central Identification Laboratory (CIL) is an Army facility located in Hawaii with the responsibility to make positive identifications of human remains recovered in the Pacific area for World War II, Korea, and the Vietnam War.

An Investigations Subcommittee staff investigation found that laboratory personnel using questionable scientific techniques may have misidentified several sets of remains. In addition, the staff questioned the necessity for the laboratory's location at Hawaii, the workload of the laboratory, and whether reports were altered by administrative personnel.

On September 10, 1986 the subcommittee held a hearing to examine these allegations further.

Witnesses included William Fleshman, subcommittee staff; Maj. Gen. John S. Crosby, Assistant Deputy Chief of Staff for Personnel; Central Identification laboratory personnel; four independent anthropologists; and family members of U.S. servicemen listed as Missing in Action.

The following conclusions and recommendations were made:

1. The CIL should discontinue the use of the "morphologic approximation" technique for identification of remains until it has been examined, approved, and formally accepted by the forensic anthropological community.

2. The identification of the remains in the Pakse crash and any future identifications should be based on currently accepted and proven scientific techniques. Remains which cannot be identified with such techniques should be designated "within all reasonable scientific certainty" or "very favorable comparison."

3. Anthropological reports should be fully supported by documentation, and alterations which change the meaning of the narrative or technical sections of the report should not be made by persons other than anthropologists.

4. A senior forensic anthropologist should be placed in charge of the laboratory.

5. The Army should conduct a study to determine the necessity of continuing to locate the facility in Hawaii. The study should address cost savings and moving costs associated with relocation.

On December 4, 1986 Chairman Bill Nichols visited the laboratory in Hawaii to determine the progress in implementing the subcommittee's recommendations.

Military Installations and Facilities Subcommittee

ARMY'S PLAN TO CLEAN UP CONTAMINANTS AT ROCKY MOUNTAIN ARSENAL

The subcommittee studied in-depth the hazardous waste contamination problem at Rocky Mountain Arsenal located at Denver, Colorado. This effort included a field hearing held in Denver on February 25, 1985. The subcommittee received testimony from the Department of the Army, the Environmental Protection Agency, the Shell Oil Company, the Colorado Department of Health, and local citizens concerning the extent of the contamination and the Army's cleanup efforts at the arsenal.

During the subcommittee markup of H.R. 1409, the fiscal year 1986 Military Construction Authorization bill, a general provision was adopted that required the Department of the Army to provide to Congress by December 31, 1985 a plan to cleanup the arsenal by December 31, 1993. Public Law 99-167, the fiscal year 1986 Military Construction Authorization Act, contains a similar provision that requires the plan to be provided to Congress by September 1, 1986. (See "Legislation Enacted Into Law" elsewhere in this report for further discussion of Public Law 99-167.)

(H.A.S.C. 99-6)

BASE CLOSURES AND REALIGNMENTS

On June 12, 1985, the subcommittee met to review existing legislation (section 2687 of title 10, United States Code) relating to military base closures and realignments.

The hearing was held to determine if existing provisions of law are too restrictive and, if so, to identify corrective measures that would allow the Secretary of Defense increased flexibility in accomplishing closures or realignments of installations that are no longer required for national defense purposes.

Testimony was received from Dr. Lawrence J. Korb, Assistant Secretary of Defense for Manpower, Installations and Logistics, Department of Defense.

(H.A.S.C. 99-8)

SMALL AND DISADVANTAGED BUSINESS PARTICIPATION IN MILITARY CONSTRUCTION PROGRAMS

On September 26, 1985, the subcommittee conducted oversight hearings to review the involvement of small and disadvantaged businesses in military construction programs.

During the course of the hearings, the subcommittee examined the current law, regulations and practices that define the participation of small and disadvantaged businesses in military construction programs and reviewed the impact such law, regulations and practices have on the effective operation of these programs.

The hearings were held to develop a better understanding of how the small business and 8–A (disadvantaged business) set-aside programs work in an attempt to explore ways to correct identified problems that hamper the performance of these businesses.

Testimony was received from the Honorable Albert G. Bustamante; the Honorable Berkley Bedell; Ms. Norma B. Leftwich, Director, Small and Disadvantaged Business Utilization, Department of Defense; Mr. Ruben E. Weatherholtz, III, Associate Administrator for Procurement Assistance, and Mr. Wilfredo J. Gonzalez, Associate Administrator for Minority Small Business, Small Business Administration; Mr. Robert E. Whiteside, Chairman, Committee on Federal Procurement of Architectural-Engineering Services, Columbia, South Carolina; Mr. P. Porcher Gregg, land surveyor, Norfolk, Virginia; Mr. David E. Lawson, practicing architect, Madison, Wisconsin; Mr. Marshall E. Purnell, President, National Organization of Minority Architects; Mr. Ralph G. Thomas, III, Executive Director, National Association of Minority Contractors; and Mr. Douglas M. Bodenhamer, the Associated General Contractors of America.

(H.A.S.C. 99–19)

UNITED STATES BASES IN THE PHILIPPINES

On December 5, 1985, the subcommittee began oversight hearings on the current political, economic and civil unrest in the Philippines and its potential on continued United States use of the military facilities at Subic Bay and Clark Field.

During the course of the hearings, the subcommittee examined the base rights agreements with the Philippine government to determine what the agreements commit the Philippine government to provide in exchange for monetary payments made by the United States.

The hearings resulted from the subcommittee's concerns about the political situation in the Philippines and reports of a possible $8 billion cost if the United States were to relocate these facilities versus a $1.3 billion cost for military construction projects if the United States continues to use these facilities. The subcommittee pressed the witnesses to identify alternative locations for these bases in the event relocation were necessary at some future date, and to identify future military construction projects that might be requested if the United States continues to use these bases.

Testimony was received from the Honorable Charles E. Schumer; Mr. James A. Kelly, Deputy Assistant Secretary for East Asian and Pacific Affairs, Department of Defense; Mr. John C. Monjo, Princi-

pal Deputy Assistant Secretary of East Asian and Pacific Affairs, Department of State; Senator Jim Sasser; Dr. George Kahin, Professor of International Relations, Cornell University; and Dr. Daniel B. Schirmer, Former Professor of History, Boston University.

(H.A.S.C. 99-26)

MILITARY CONSTRUCTION ASPECTS OF STRATEGIC HOMEPORTING

In February and March of 1986, the subcommittee held special hearings to review the Navy's rationale for the strategic homeporting concept and to explore a number of general policy questions such as whether the planned dispersal of the fleet would be advantageous or necessary to our national security; whether the locations selected were based on sound strategic reasons, and whether the estimated $799 million to $1.5 billion that would be needed to fund the military construction projects associated with these ports could be justified. The subcommittee also was interested in receiving the report from the Navy on the military necessity and cost effectiveness of the strategic homeporting program that was required by Section 205 of Public Law 99-167.

As a result of the hearings, the committee approved partial authorization for the homeport at Staten Island, New York, but rejected the request for the site at Everett, Washington. The committee position on New York was supported by the conference, and funding of the three projects approved by the conference for Everett was fenced pending a final solution to the disposal of the toxic dredge spoil and receipt from the State of Washington of funds to share in the cost of the port.

Testimony was received from Members of the House of Representatives and the Senate; Mr. Bill Thurman, Deputy Director, General Accounting Office; Rear Adm. Eugene J. Carroll, Jr. USN (Ret.), Center for Defense Information; Mr. L. Wayne Arny III, Principal Deputy Assistant Secretary of the Navy; Vice Adm. T.J. Hughes, Jr., Deputy Chief of Naval Operations; and Rear Adm. J.P. Jones, Jr., Chief of Engineering Command.

COST VARIATION REPORTS

During the 99th Congress, the subcommittee reviewed and approved 37 cost variation reports submitted by the military services in accordance with section 2853(d) of title 10, United States Code.

REAL ESTATE ACQUISITION AND DISPOSAL REPORTS

The subcommittee, in conjunction with its jurisdiction over real estate transactions proposed by the military services, held 7 hearings during the 99th Congress. During these hearings, 192 acquisition and disposal reports were considered; 190 were approved and 2 were deferred.

Military Personnel and Compensation Subcommittee

MILITARY RETIREMENT SYSTEM

Following four days of hearings during the 98th Congress, the Subcommittee on Military Personnel and Compensation conducted several additional days of hearings during the 99th Congress.

On April 2, 1985, the Joint Chiefs of Staff presented their assessment of the impact that changes in the current military retirement system would have on future recruitment and retention of the active duty force. The following day, a panel of witnesses from the Congressional Budget Office, the John F. Kennedy School of Government, the Brookings Institution, the Center on Budget and Policy Priorities, and Hay-Huggins gave their views on the current military retirement system and how it compares to pension plans in the private sector.

Sections 666 and 667 of the fiscal year 1986 Defense Authorization Act (Public Law 99-145) reduce the amount authorized to be spent for basic pay and retirement accrual by $2.9 billion and direct the Secretary of Defense to submit a report on changes to the military retirement system that would achieve that level of savings. Public Law 99-348 effects changes to the retirement system for new members of the uniformed services (See "Legislation Enacted Into Law" elsewhere in this report for additional discussion of Public Law 99-145 and Public Law 99-348.)

(H.A.S.C. 99-2)

CRITICAL WARTIME MEDICAL PERSONNEL

The Subcommittee conducted two days of hearings during the 99th Congress on how to improve the staffing of critical wartime medical personnel in the active and reserve forces. The Subcommittee's concern stemmed from the testimony before Congress of various Department of Defense officials that a substantial number of battlefield casualties in the initial days of a major conflict would not receive basic life-saving hemorrhage-stopping surgical care.

On September 19, 1986 the Subcommittee heard testimony from the Honorable Dr. William Mayer, Assistant Secretary of Defense for Health Affairs; the Honorable James Webb, Assistant Secretary of Defense for Reserve Affairs; Dr. Judith Ryan, Executive Director of the American Nurses Association; and Dr. Raymond Scalettar, a Trustee of the American Medical Association.

On December 9, 1986 the subcommittee heard testimony from Mr. Will Ebel, Acting Director, Selective Service System; Major General William F. Ward, Chief Army Reserve; Major General Henry Mohr (AUS Ret.), Heritage Foundation; Mrs. Margaret Hallgren, National Military Family Association and Major General Dan Mills (NGUS Ret.), National Guard Association of the United States.

Procurement and Military Nuclear Systems Subcommittee

SPECIAL PANEL ON ARMS CONTROL AND DISARMAMENT

Under the rules of the committee, the Subcommittee on Procurement and Military Nuclear Systems is assigned overall jurisdiction

of arms control and disarmament matters. The importance of the subcommittee's oversight responsibilities with respect to arms control and disarmament was underscored by the appointment of a Special Panel on Arms Control and Disarmament on March 26, 1985.

During the first session of the 99th Congress, the panel held ten days of hearings. The panel conducted eight days of hearings during the second session. In addition, the panel participated in full committee and subcommittee hearings on arms control and disarmament matters.

The panel conducted hearings during the first session on a variety of arms control topics, including Mutual and Balanced Force Reductions (MBFR) negotiations, U.S. arms control policy, nuclear nonproliferation, Soviet nuclear testing, public perspectives on arms control, and briefings on the evolving U.S. and Soviet negotiating positions in the nuclear and space arms and intermediate range nuclear forces negotiations going on in Geneva.

In September 1985, members of the panel visited the U.S. delegation to the Negotiation on Nuclear and Space Arms in Geneva, Switzerland, where they met with Ambassadors Max M. Kampelman, Head of the Delegation and Negotiator on Defense and Space; John G. Tower, Negotiator on Strategic Nuclear Arms; and Maynard W. Glitman, Negotiator on Intermediate Range Nuclear Forces. Also in September 1985, the panel visited the MBFR Negotiations in Vienna, Austria, where they met with Ambassador Robert D. Blackwill, Head of the U.S. Delegation, and a majority of the NATO MBFR participants; and with Ambassador Bruce Chapman, the U.S. Representative to the United States Mission to the United Nations System Organizations, Vienna, Austria (UNVIE), on the work of the International Atomic Energy Agency (IAEA) on nuclear nonproliferation issues.

During the second session the panel held hearings on Soviet developments in space defense systems (with emphasis on the Soviet antisatellite weapon system and U.S./Soviet space and nuclear arms negotiations), the activities of the 40-nation U.N. Conference on Disarmament, arms control verification technologies and methodologies, the status of negotiations on the control of conventional weapons, and arms control oversight and national security. The panel also received a number of classified briefings on the status of ongoing arms control negotiations.

In addition, the panel devoted considerable time to the consideration of arms control-related legislation. The proposals considered were:

—H.R. 2124, which would have prohibited the production or stockpiling of lethal chemical weapons by the United States;

—H.R. 3100, which would have provided for a comprehensive bilateral verifiable freeze on U.S. and Soviet testing, production, and deployment of nuclear weapon systems;

—H.R. 3442, which would have provided for a mutual, simultaneous, and verifiable cessation of nuclear weapons testing;

—H.R. 4542, which would have prohibited the development, testing, or production of strategic defense systems incorporating nuclear explosive devices;

—H. Con. Res. 35, which would have expressed the support of the Congress for the President's arms control policies; and
—H.J. Res. 272, which would have expressed the sense of the Congress that a complete cessation of nuclear test explosions must be related to the maintenance of a credible U.S. deterrent and must be in the context of deep and verifiable nuclear weapons reductions.

(See "Legislation Considered But Not Reported" elsewhere in this report for further discussion of these legislative items.)

BRADLEY FIGHTING VEHICLE

The subcommittee examined in depth the Army's Bradley Fighting Vehicle program and the emerging results of the ongoing live-fire testing of the vehicle. This effort included two subcommittee hearings, held on February 18, 1986, and on May 21, 1986, as well as a staff inquiry directed by the full committee. The subcommittee received testimony from the Department of the Army, the Department of Defense, and a Member of Congress concerning the Army's requirements for the vehicle, the proposed enhancements to the Bradley, and the live-fire test program.

During the subcommittee markup of H.R. 4428, the fiscal year 1987 Defense Authorization bill, a provision was adopted that establishes a set of detailed requirements for the development of the Bradley live-fire test plan and the conduct of that testing. Public Law 99-661, the Fiscal Year 1987 Defense Authorization Act, contains a comparable provision concerning the live-fire test program for the Bradley Fighting Vehicle.

See also the discussion of DOD testing procedures and the Bradley Fighting Vehicle by the Research and Development Subcommittee.

(H.A.S.C. 99-27)

DEPARTMENT OF ENERGY PHYSICAL SECURITY

On December 5, 1985 the Procurement and Military Nuclear Systems and Investigations Subcommittee conducted a joint closed hearing to examine the status of physical security and to receive testimony on several other classified topics relating to safeguard issues. (See "Investigations Subcommittee" elsewhere in this section for additional discussion of this subject.)

SOVIET REACTOR ACCIDENT AND IMPLICATIONS FOR THE DEPARTMENT OF ENERGY NUCLEAR PRODUCTION PROGRAM

On May 1, 1986 the Subcommittee on Procurement and Military Nuclear Systems met in executive session to receive a classified briefing on the Soviet accident at Chernobyl and the implications of that accident on Department or Energy reactor operations, particularly the N-reactor at Richland, Washington. The N-reactor was of particular interest because it is a graphite reactor, as was Chernobyl, and has been assumed to entail risks similar to those at Chernobyl.

Testimony received by the subcommittee indicated that the N-reactor is inherently safer than the Chernobyl reactor and that the

confinement system used provides safer than the Chernobyl reactor and that the confinement system used provides safety equivalent to that of a containment system.

Unlike the Soviet reactor, the Department of Energy reactor is easier to control and has multiple safety systems. The graphite block of the Richland reactor has a separate water cooling system, a feature absent in the Russian reactor. The Richland reactor doesn't depend on machinery to shut itself off. If the cooling water begins to boil, the nuclear reaction slows down. The Soviet reactor does just the opposite. This safety feature, called negative void coefficient, is required in the United States to prevent a runaway nuclear reaction which could cause a release of radiation. In contrast, the Soviet reactors have a positive void coefficient and rely on computerized control mechanisms to control the nuclear reaction.

The testimony indicated that the familiar large concrete containment domes used for commercial reactors are not necessary because of the inherent controllability of the reactor, redundant systems to prevent fuel rods from leaking, and because high pressures associated with commercial reactors are absent.

Readiness Subcommittee

SPECIAL OPERATIONS PANEL

The Special Operations Panel conducted hearings on each service's special operations forces, the Joint Special Operations Agency of the Joint Chiefs of Staff, special operations airlift, and personnel. intelligence, and acquisition support to special operations forces. Additional hearings were held on counterterrorist contingency operations, and augmented by briefings and visits to special operations units.

Panel activities resulted in the introduction of H.R. 5019, a bill to establish a National Special Operations Agency, which passed the House of Representatives on September 16, 1986. The bill H.R. 5109, as amended, was adopted as a general provision, Sec. 1011, to the National Defense Authorization Act of 1987, H.R. 4428, with a companion general provision, Sec. 1012, regarding special operations airlift readiness. These provisions were enacted as Sections 1311 and 1312, respectively, of S. 2638, the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661). See "Legislation Considered But Not Reported" for additional discussion of H.R. 5109. See "Legislation Enacted Into Law" for additional discussion of Public Law 99-661.

(H. Rept. 99-718, H. Conf. Rept. 99-1001)

MORALE, WELFARE AND RECREATION PANEL

Revisions to the Armed Services Exchange and Commissary Regulations

On April 7, 1983, the panel reviewed a Department of Defense proposal to revise the Armed Services Exchange Relations to authorize the sale of home computers and auxiliary items, including monitors, in military exchanges. The panel deferred the request pending further evaluation and review. On March 19, 1985, the Department of Defense provided additional information and justifica-

tion in support of its proposal. The panel approved the request on March 25, 1985 with certain restrictions: first, only computers and associated items that fall within the personal and home computer category are authorized for sale (systems oriented toward office or business environments are not authorized); and second, only personal and home computers produced or manufactured by U.S. sources may be sold in U.S. and overseas exchanges.

On February 13, 1984, the Department of Defense submitted a proposed revision to authorize the use of nationally known credit cards in military exchanges. The panel met with the exchange services on October 2, 1984, but no action was taken primarily because the exchanges had not developed a coordinated plan of action.

On September 18, 1985, the panel received testimony on the credit card issue from representatives of the Department of Defense, the military exchange services, and a number of associations. Although the panel invited a number of retail establishments to testify, all declined. With the exception of several letters, the panel received no indications of opposition to the credit card proposal.

On October 3, 1985, the panel voted to authorize use of nationally known credit cards in military exchanges subject to a review of the exchanges' implementation plan. On November 6, 1985, the Department of Defense submitted an implementation plan to the panel, and on December 6, 1985, the panel approved the use of nationally known credit cards in military exchanges.

A request that wine coolers be made available for sale in military exchange mini-marts was received by the panel on July 15, 1985. The panel studied this matter and on December 2, 1985 authorized the sale of low-content alcohol beverages, including wine coolers, to military patrons of military exchanges.

On July 29, 1986 the Department of Defense submitted a request for the sale of household batteries, a limited assortment of women's hosiery, pet supplies and smoking alternatives in military commissaries. The panel approved all of the requested items except smoking alternatives.

On October 28, 1986 the Department of Defense requested authorization to sell U.S. gold coins and delete cost price limits on gold. The panel approved the sale of these coins but limited the sale of gold to two ounces.

Nonappropriated fund construction

Nonappropriated funds are dollars generated by service members and their families through various resale activities. Profits from exchanges, bowling centers, etc. are used to build new facilities like commissaries, exchanges, clubs, youth centers, athletic fields, etc., or support programs not traditionally funded by the government.

The panel completed annual oversight reviews of the fiscal years 1985 and 1986 nonappropriated fund construction programs. The nonappropriated fund construction programs of the military services have grown rapidly in the last few years, primarily because of initiatives to centrally fund and manage major construction projects. The 1985 program reached $400 million while the 1986 program exceeded $500 million.

During its 1985 review, the panel determined that the services must improve both long-range planning and project justifications. The panel noted numerous instances where installations had not determined the need for projects or developed plans to integrate construction requirements with funding forecasts.

The panel approved 90 percent of the projects requested. Of the remaining 10 percent, the panel deferred some requests, downscoped others, and approved with qualification. For example, the panel deferred commissary and exchange projects in the Murphy Canyon housing complex in San Diego because of higher priorities in that area. Similarly, a gas station in Puerto Rico was deferred because of a very low return on investment.

The panel also downscoped a proposed commissary at Ft. Lewis, Washington from $16 million to $10.7 million and a store at MacDill Air Force Base from $15.5 million to $9.6 million. Three consolidated Class VI stores and centralized morale, welfare and recreation warehouse projects were also reduced by approximately $200,000 each.

Although several projects were approved for humanitarian reasons, namely to prevent hardships on families stationed at new mission sites, the panel advised the Department of Defense that all future projects at new mission locations should be funded with appropriated dollars. The panel does not believe that service members should have to fund the construction of new facilities when national security policy decisions dictate establishment of new installations.

The panel also reviewed a number of out-of-cycle requests throughout the year. Requests for fast food facilities at forty locations, primarily overseas, were approved. In addition, the panel reviewed and approved fourteen projects for commissaries, exchanges, clubs, bowling centers, handball courts and a lodge at various locations.

Because of the record size of the 1986 program, (more than $500 million), the panel held comprehensive hearings to evaluate the direction of nonappropriated fund construction and to resolve a number of policy issues. These matters were addressed during three days of hearings in October when the panel heard testimony from Department of Defense, industry and military service witnesses.

Based on the hearings and evaluations of project justifications, the panel:

—recommended that the Secretary of Defense restructure the Department of Defense Morale, Welfare and Recreation Coordinating Committee as the lead organization for nonappropriated fund construction policy;

—strongly opposed the construction of on-base first class hotels and stressed that new quest houses be operated on a self-sufficiency basis;

—rejected the request to build morale, welfare and recreation projects on reserve bases;

—recommended that profit generating projects (i.e. bowling centers) be operated on a business-like basis, with minimal appropriated fund support and fees established to cover operating costs;

—suggested increased use of turnkey procurement, standard designs, preselected equipment and specialized contractors to reduce construction time and cost;
—approved most military club projects but advised the Department of Defense that future projects will not be considered until an in-depth study of the military club system is submitted to the panel;
—deferred three projects for consolidated Class VI stores and morale, welfare and recreation warehouse pending an Army analysis verifying the economies of the concept;
—approved a number of fast food facility projects subject to the fiscal year 1986 language in the Appropriations Conference Report;
—deferred ten fast food facility projects because of project uncertainties and delay and four others because of actions taken by the military construction subcommittees; and
—deferred twelve projects because of excessive cost, inadequate justification or incomplete design.

The panel also reviewed the Army's request for a $40 million Yongsan Community Lodge Project in Korea. After reviewing the construction request the panel authorized a $30 million lodge project. The $10 million saved will be used to fund projects that more directly benefit soldiers in forward deployed areas in Korea.

The project was approved with the understanding the community lodge be centrally managed and operated by the Department of the Army in a manner similar to that of the Hale Koa Hotel.

(Committee Print 12)

Studies and investigations

Army Central Banking and Investment fund.—The panel investigated management of the Army's Central Banking and Investment fund following the loss of $11 million due to the bankruptcy of an investment dealer in New Jersey. The investigation revealed that the Army relied on the past performance of the securities dealer but never verified the firm's profitability, a capital growth or financial soundness. Additionally, although the Army had taken possession of collateral on overnight repurchase agreements in the past, it has failed to do so for the last few years as renewal dates were extended from overnight to one month periods. This failure to take possession of the securities led to the loss when the dealer filed for bankruptcy.

This loss was the second experienced by Army fund managers in the last five years. In 1981, inaccurate record keeping caused a $1.8 million loss in securities and speculative investments resulted in the cost of the investment portfolio exceeding its market price by approximately $69 million.

Because of these losses, the panel requested the Department of Defense to identify all nonappropriated fund investments, both civilian and military, and to review their investment policies, practices, portfolios, professional management, extent of oversight and guidance, responsiveness to audit recommendations, and other related areas.

In January 1986, the Department of Defense submitted its report on nonappropriated fund investments. The report recommended that:

—fund managers of the approximately $1 billion in short-term nonappropriated fund investments emphasize safety, liquidity, and yield, in that order;

—the nearly $1.5 billion in nonappropriated fund employee pension fund monies be placed in trusts. Further, that these monies be managed under the "prudent person" rule (that is, by maintaining a diversified portfolio) as specified in the Employee Retirement Income Security Act (ERISA) of 1974. Long-term yield, in order to meet the defined benefit obligations of nonappropriated fund employee pension plans, should be the major objective of these investments; and

—an Investment Oversight and Advisory Review Committee be established to include representation of outside advisors, who would review overall investment strategy on a semi-annual basis.

The panel will monitor the implementation of these recommendations.

Single Installation Morale, Welfare and Recreation Fund.—In October 1983, the Army requested the panel's approval to test a single nonappropriated fund approach in one of its commands. The proposal represented a new concept for managing, operating and accounting for nonappropriated funds at the base level. Its purpose was to consolidate all operational profits at the base level and to allow the local commander to use these funds for construction and operational needs. The panel approved the Army's request but stipulated that no further implementation could occur after the test period until the results were completely reviewed and evaluated. In addition, the panel specified that any deviations must be approved by the Office of the Secretary of Defense. In April 1985, the Acting Assistant Secretary of Defense (Manpower, Installations and Logistics) approved the single-fund concept.

On September 9, 1985, the panel approved, with strong reservations, the Army's request to implement the single-fund concept. In general, the panel opposes consolidating installation nonappropriated fund instrumentalities into one Installation Morale, Welfare and Recreation Fund. The panel is convinced the existing system, where Nonappropriated Fund Instrumentalities provide a wide variety of well-managed programs that compete for the soldiers' dollars, is the preferred method of operating. The panel believes consolidating activities and merging funds will seriously deter the incentives managers have under the existing system.

Because the consolidation of morale, welfare and recreation activities on an installation will create a multi-faceted business similar in size and responsibility to the operations of a municipal government, the panel urged the Army to ensure that installations are capable of operating under the single-fund approach before allowing implementation. Specifically, a "business-manager" will have overall responsibility for managing these single-fund operations on each installation. Quality people are needed for this management position, otherwise the controls and safeguards developed during the last few years to prevent abuse will be effected. At the present

time, the panel feels the number of experienced persons available to fill these positions is relatively limited and a cautious implementation is warranted.

Purchase of offshore soft drinks for resale in European commissaries.—Currently, U.S.-produced soft drinks are being sold in Europe by the Army and Air Force Exchange Service at sizeable savings to military patrons. These sales produce needed profits to support morale, welfare and recreation programs, provide a uniform pricing structure, and directly support the U.S. economy.

The Air Force Commissary Service recently proposed purchasing offshore soft drinks for resale in its European commissaries. Under this proposal, 75 percent of soft drinks would be obtained through German and U.K. sources for Air Force commissaries in those countries, while 25 percent would be obtained from U.S. sources and made available to Air Force commissaries in the Mediterranean region.

Neither the Army and Air Force Exchange Service nor the Army commissary system supported the Air Force proposal. The Army and Air Force Exchange Service estimated that it would lose about $5 million annually in earnings if European commissaries carried soft drinks. The Army estimated that only 20 of its 63 commissaries in Europe could handle the sale and storage of sodas without spending millions of dollars for additional space. The Army also advised the panel that if soft drinks were carried in their stores, some existing products would have to be removed to make space for them. Finally, the panel found that European-produced soft drinks are not necessarily identical to U.S.-produced products in taste, color, can sizing and labeling and that commissaries were not planning to offer all soft drinks available in exchanges.

Although the panel advised the Air Force on September 10, 1985 that it strongly opposed the purchase of off-shore soft drinks, the panel authorized European commissaries to purchase soft drinks from the Army and Air Force Exchange Service. The panel concluded that the existing system is working efficiently, offers the best price for a wide selection of brand name American products, and provides funds in support of military morale, welfare and recreation programs.

Transfer of Army milk plant to the Army and Air Force Exchange Service.—In August 1985, the Army proposed that the Army and Air Force Exchange Service assume responsibility for operating the 8th U.S. Army milk plant in Korea, a government-owned, contractor-operated facility built and supported by appropriated funds. The new plant cost $7 million and began operating on May 1, 1985. The Army estimated that the transfer would save $1.5 million annually in operation and maintenance funds.

Because military exchanges are nonappropriated fund activities that are already experiencing serious problems with sales, profits, and dividend levels, the panel believes that exchanges should not be straddled with large-scale, complex and costly appropriated fund operations. Moreover, the Army and Air Force Exchange Service is already undertaking the massive task of rebuilding its large distribution system, rapidly expanding its fast food program and continuing its critical capital construction program.

The panel also did not agree with the projected $1.5 million in operation and maintenance savings. The Army and Air Force Exchange Service's overseas facilities are entitled to the same appropriated fund support that contrator-operated facilities receive.

Although the panel understands the desire of the Army to relieve itself of a non-combat mission, the panel concluded that the transfer would be of no substantial benefit to the government or exchange service and advised the Army on September 9, 1985 that it strongly opposed the transfer. On September 24, 1985, the Assistant Secretary of the Army (Installations and Logistics) advised the panel that the milk plant will continue to be operated by the Army as a government-owned, contractor-operated facility.

Seoul Garden Hotel, Seoul, Republic of Korea.—In August 1982, the Army requested authority to lease the Seoul Garden Hotel as a military transient billeting facility. The Army proposed leasing the hotel with appropriated funds for a five-year period at a cost of $3.4 million per year.

The project was approved by the panel contingent upon two factors. First, nonappropriated funds were to be used in lieu of operation and maintenance funds to finance the lease. Second, the hotel was to be operated on a self-sustaining basis similar to the Hale Koa Hotel in Hawaii. In December 1982, the Army entered into a five-year lease, with the first year's lease payment of $3.4 million borrowed from 11 military clubs in Korea. This loan was to be repaid when the lease was terminated. Additional lease payments and the club loan repayment were to be financed from hotel revenues.

In May 1984, the panel learned of misconduct and mismanagement in the operations of the hotel. A panel investigation revealed that the hotel was losing about $100,000 per month (even though it was receiving over $1 million annually in appropriated funds), its restaurants and lounges were used primarily by large numbers of unauthorized civilian personnel, and the club loans had been converted to a grant.

The Army employed a consulting firm with expertise in the hospitality industry to study the current operations of the hotel and to develop recommendations concerning future operations. Among other recommendations, the consultant proposed either that a new lease be negotiated on more equitable terms or that the lease be terminated and that commercial contract hotels be used instead.

In January 1985, the panel advised the Army of its strong reservations concerning the need for, and continued operation of, the Seoul Garden Hotel. The Army agreed and advised the panel that it terminated the hotel's lease in August 1985.

MacDill Air Force Base golf course.—In December 1982, the panel authorized the construction of an 18 hole golf course with $1.2 million of nonappropriated funds. The construction contract was awarded in 1983. During 1984, the panel received complaints that the course was poorly designed and that it did not fully comply with environmental protection regulations. Air Force attempts to correct these problems failed and the contractor was terminated for default. The Air Force requested an additional $1.2 million to complete the course, while it began moving against the contractor for damages and recovery of costs.

A panel investigation substantiated these claims and revealed that Air Force engineers had failed to adequately monitor the contractor's performance. The panel advised the Air Force that it planned no further action on the $1.2 million request until it received a report outlining corrective actions taken, a detailed analysis of the steps needed to correct the situation, a realistic justification of the funds required, and the proposed source of funds. The panel specified that the first priority must be to correct the problems associated with complying with the State of Florida's environmental regulations.

After reviewing detailed reports submitted by the Air Force, the panel approved the additonal funds provided by the Air Force Welfare Board in the form of an interest-bearing loan. A reprocurement contract was awarded in August 1985 and work was completed in March 1986.

Offshore procurements.—For the last few years the panel has received numerous allegations that the military exchanges were buying large amounts of offshore menswear, ladieswear, children's wear, foot wear and luggage. There were some indications that the exchanges were planning increased offshore procurements of these categories.

Because offshore procurements have been a long standing concern, the panel requested a jointly funded independent study of the issue. Until the study is completed and reported to the subcommittee, offshore procurements should not exceed last year's percent of total retail sales.

Sales of U.S. Meat Products Overseas.—As a result of an amendment to the fiscal year 1986 Defense Authorization Act, the Department of Defense (DoD) entered into a six-month test for the sale of United States beef and port in six European military commissaries.

The test was completed and, while the quality of American beef was excellent, commissary patrons strongly favored the European products because of the significant difference in price. While the DoD fully supported the sale of U.S. products, it felt that implementing a policy of selling U.S. beef and pork products in European commissaries on a permanent basis would cost an estimated $30–$35 million in appropriated funds.

Movement of Former President Marcos from Manila to Hawaii.—In an attempt to avoid bloodshed and to ensure a peaceful transition of power to the new government in the Philippines, President Reagan asked President Marcos to step down. He offered him, his family, and associates safety, medical care and transportation to a safe haven in the United States or wherever they wanted to go.

Members of the United States Armed Forces successfully evacuated former President Marcos, his family, and associates from the Presidential Palace in Manila and transported them to Guam and eventually Hickam Air Force Base in Hawaii. However, the costs associated with the move, especially those pertaining to shopping in military exchanges, were the subject of intense scrutiny by congressional offices and committees.

An investigation was conducted into the movement of former President Marcos to identify the full costs of this activity, to ensure all bills were paid, that taxpayer interests were protected, and to investigate complaints concerning the closing of the Officers Club and movement of military personnel from their quarters at Hickam Air Force Base. The investigation found:

—The cost of moving former President Marcos, his party and their five-week stay on Hickam Air Force Base was $451,000, broken down as follows:

Air Lift (Military Air Command)	$183,539
Appropriated Funds (Operation and Maintenance)	60,375
Nonappropriated Funds (Nontaxpayer Funds)	206,899
Total	$450,813

—In addition to the out-of-pocket costs, military personnel provided security valued at $407,604. These salaries would have been paid under normal circumstances;

—Asking President Marcos to step aside was a political rather than a military initiative. Once accepted, U.S. military forces became the vehicle for carrying out the evacuation and movement of former President Marcos and his party. The committee believes the State Department should reimburse the United States Pacific Command for $184,000 in transportation costs and $60,000 in operation and maintenance costs related to security, ground transportaton, medical care and related costs;

—Expenses totaling $207,000 were paid for the convenience and acquisition of personal items for Marcos' party. This includes nonappropriated fund expenses accumulated at exchanges, clubs and housing facilities. President Reagan offered safety and medical care to former President Marcos, his family and associates. He did not offer housing, meals, clothing and other personal conveniences. Reasonable amounts would be acceptable in support of the former President because he was a guest of President Reagan. The expenses accumulated, however, were excessive and include $20,000 in long distance phone calls, $6,000 in meals, and $11,000 in health and beauty aids. Former President Marcos should be held responsible for expenses not covered by the President's message, and the Secretary of Defense and the Secretary of State, working jointly, should make every effort to recover $207,000 in costs for personal and convenience items acquired by members of Marcos' party; and

—Extraordinary security precautions were taken throughout the trip and at Hickam Air Force Base to protect the former President and his party. The implementation of these measures resulted in complaints from the press and employees and members of the Hickam Air Force Base Officers Club. In addition, occupants of the visiting officers quarters on Hickam Air Force Base were inconvenienced because they were required to move on a few hours' notice to other quarters on base or to commercial hotels. Although these security measures caused inconven-

ience and some hardship, the committee believes the precautions taken were appropriate.
(Committee Print 20)

IMPACT OF REFINED PETROLEUM PRODUCT IMPORTS ON NATIONAL SECURITY READINESS

On July 30 and December 5, 1985, the subcommittee held hearings regarding the impact of refined petroleum product imports on national security readiness. The subcommittee has been concerned by the declining capacity of the U.S. petroleum refinery industry and the hypothesis that such declining capacity has resulted from the increasing market share held by imported refined products. The hearings were held to develop a better understanding of the declining U.S. capacity and its potential impact on readiness and, if necessary, to identify appropriate courses of action and corrective measures.

Testimony was received from Mr. Urvan R. Sternfels, President of the National Petroleum Refiners Association; Dr. Henry Schuler, Georgetown Center for Strategic and International Studies; Mr. D. W. Robinson, Manager of the Synthetic Fuel Programs Group, Amoco Corporation; Mr. Lewis C. Knox, Vice President and Chief Engineer, Catalytic Inc.; Dr. Charles K. Ebinger, President of Ebinger International; Mr. Glen E. Sweetnam, Director of Economic Analysis, Office of Policy, Planning and Analysis, Department of Energy; Mr. Jeffrey Jones, Deputy Director for Energy Programs, Office of the Assistant Secretary of Defense (Acquisition and Logistics); and Mr. John Richard, Director of Office of Industrial Resource Administration, Department of Commerce.

RESEARCH AND DEVELOPMENT SUBCOMMITTEE

ASSURED ACCESS TO SPACE

Joint hearings between the Research and Development Subcommittee and the Space Science and Applications Subcommittee of the Committee on Science and Technology were held on July 23, 24, and 25, 1985 to review space launch vehicle demands for the 1990s and to assess the adequacy of currently planned launch system capacity to support those demand trends.
(H.A.S.C. 99-9, Joint Committee Print 19)

REPLACEMENT AIRCRAFT FOR AIR FORCE ONE

On December 17, 1985, the subcommittee received testimony from the Honorable Donald C. Latham, Assistant Secretary of Defense for Command, Control, Communications and Intelligence on the need for a replacement for the Air Force One aircraft.
(H.A.S.C. 99-25)

DEPARTMENT OF DEFENSE TESTING PROCEDURES AND THE BRADLEY FIGHTING VEHICLE

On January 28, 1986, the subcommittee met to discuss the test policy and procedures used by the Department of Defense during the development of weapon systems. The subcommittee received

testimony from the staff, Lt. Gen. James Hollingsworth, (Aus, Ret.), Colonel James G. Burton, Office of the Under Secretary of Defense for Research and Engineering, and General Maxwell Thurman, Vice Chief of Staff, U.S. Army.

(H.A.S.C. 99-27)

Seapower and Strategic and Critical Materials Subcommittee

SHIP PROCUREMENT PROCESS

On February 2, 1985; March 14, 1985; and May 15, 1985 the subcommittee held hearings jointly with the Investigations Subcommittee on the Navy's ship procurement process and the accounting practices of major defense contractors. At the February 20 hearing the Honorable John F. Lehman, Jr., Secretary of the Navy, testified on current ship procurement practices as well as the efficacy or reopening the 1978 shipbuilding claim settlement with the General Dynamics Corporation reached under the provisions of Public Law 85-804. Testimony was also received from Mr. Frank Conahan, Director, National Security and International Affairs Division of the General Accounting Office, on the subject of the 1978 settlement. Both witnesses testified against reopening the settlement case given information available at that time.

On March 14, 1985 the subcommittee heard testimony from the Honorable William H. Taft, Deputy Secretary of Defense, on Department of Defense actions to recover unallowable costs under contracts with General Dynamics.

On May 15, 1985 the subcommittee received testimony on the results of its review of allowable costs in the overhead cost submisions of defense contractors. The witnesses pointed out a large number of instances where contractors had submitted for government reimbursement costs that were clearly unallowable or questionable in nature. Testimony was received from Mr. Williston B. Cofer, Jr., committee professional staff member, Mr. Peter Ropollo, Defense Contract Audit Agency (detailed to the committee) and Mr. Warren T. Nagel, General Accounting Office (detailed to the committee). (See "Investigations Subcommittee" elsewhere in this report for additional discussion of these topics.)

(H.A.S.C. 99-16)

600-SHIP NAVY AND THE MARITIME STRATEGY

In June and September 1985 the subcommittee held a series of hearings to review the rationale for and the execution of the Navy's plans for modernizing and expanding the fleet, commonly known as the 600-ship Navy.

On June 24, 1985 the subcommittee heard testimony on the Navy's maritime strategy, its relationship to national strategy, and how the strategy relates to the Navy's budget proposals. Testifying were the Honorable John F. Lehman, Jr., Secretary of the Navy; Admiral James Watkins, Chief of Naval Operations; and General P.X. Kelley, Commandant of the Marine Corps.

On September 5 the subcommittee reviewed in great detail the classified aspects of maritime strategy and its relationship to existing operational plans. Admiral James A. Lyons, Jr., Deputy Chief

of Naval Operations for Plans, Policy and Operations, testified. Also on September 5 the subcommittee held a hearing on the role of the attack submarine in maritime strategy, focusing on the design and expected employment of the new SSN-21 class submarine. Testifying were Admiral Kinnard McKee, Director of the Nuclear Propulsion Directorate, Naval Sea Systems Command; and Vice Admiral Nils R. Thunman, Deputy Chief of Naval Operations for Submarine Warfare.

On September 6 the subcommittee held a hearing to examine the affordability of the 600-ship Navy and to hear from public witnesses on the desirability of the Navy's plans. Testifying were Dr. Eric Hanushek, Deputy Director of the Congressional Budget Office and Mr. Frank Conahan, Director of National Security and International Affairs, General Accounting Office. Three public witnesses—retired Admirals Isaac Kidd, and Stansfield Turner, as well as retired Rear Admiral Eugene Carroll—also testified.

On September 10 the subcommittee heard testimony from Secretary Lehman in response to the testimony received on September 6 and in amplification of testimony by previous Navy witnesses.

The subcommittee published a report explaining its findings as a result of these hearings.

(H.A.S.C. 99-33; Committee Print 11)

NATIONAL SECURITY COUNCIL STUDY ON STOCKPILE GOALS

On June 24, 1985 the Seapower and Stategic and Critical Materials Subcommittee met in executive session to receive a classified briefing from members of the National Security Council staff concerning their study on National Defense Stockpile goals, their recommendations to the President, and Presidential decisions on stockpile policy.

Although the briefing was classified, a July 8 White House press release provided key details of the proposed changes to national defense stockpile policy.

Because of the drastic reductions proposed in National Defense Stockpile goals, the subcommittee requested the Comptroller General of the United States to conduct an immediate and comprehensive evaluation of the National Security Council staff study, including the validity of the methodology and planning factors used in the study. The General Accounting Office review is scheduled to be completed during the second session of the 99th Congress.

NAVY SUPPLY SYSTEM

On October 1, 1985 the subcommittee held oversight hearings on the operation of the Navy supply system, focusing specifically on allegations made concerning mismanagement and improprieties in the supply operation of the U.S.S. *Kitty Hawk* (CV-63).

Testimony was received from Rep. Jim Bates, (D.-Calif.); Mr. Robert Jackson, a former petty officer assigned to *Kitty Hawk*; and Commodore James B. Whittaker, Assistant Commander for Inventory and Systems Integrity, Naval Supply Systems Command.

(H.A.S.C. 99-23)

REVOLVING DOOR

On April 18, 1985 the subcommittee held a joint hearing with the Investigation Subcommittee on post-employment conflicts of interest in defense procurement, the so-called "revolving door," and H.R. 272. (See "Legislation Considered But Not Reported" for additional discussion of H.R. 272.) Some witnesses testified to significant problem with post-employment conflicts of interest, citing specific examples that, at least, gave the appearance of impropriety. Other witnesses testified that legislative remedies could make it difficult to attract and retain high-quality people to serve in the Department of Defense.

Testimony was received from Rep. Charles E. Bennett, (D.-Fla.); Rep. Barbara Boxer, (D.-Calif.); Mr. David Martin, Director of the Office of Government Ethics; Mr Chapman B. Cox, General Counsel of the Department of Defense; and six public witnesses.

This hearing was integral to the subcommittee's reporting of two bills to limit conflicts of interest in defense procurement, H.R. 2356 and, subsequently, H.R. 2554. (See "Legislation Considered But Not Reported" and "Legislation Reported But Not Enacted" for additional discussion of H.R. 2356 and H.R. 2554, respectively.)

(H.A.S.C. 99-11)

RESERVE FRIGATE ANTISUBMARINE WARFARE CAPABILITY

On June 10, 1986 the subcommittee held a hearing to explore the Navy's revised plans for equipping naval reserve frigates with more modern and sophisticated antisubmarine warfare equipment than had previously been requested. Testifying was Vice Admiral Joseph Metcalf III, Deputy Chief of Naval Operations for Surface Warfare.

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